LOUISIANA

Minnie M. Baldwin, Bernice.
David S. Leach, Florien.
George W. Taylor, Franklin.
Elson A. Delaune, Lockport.
Edward A. Drouin, Mansura.
Edwin J. LeBlanc, Melville.
Melvin P. Palmer, Morgan City.
Otto J. Gutting, Oil City.
Teakle W. Dardenne, Plaquemine.
James H. Gray, Pollock.
Avenant Manuel, Ville Platte.
Samuel A. Fairchild, Vinton.

MINNESOTA

Georgia C. Hompe, Deer Creek.
Theresa E. Thoreson, East Grand Forks.
Emanuel Nyman, Foley.
Roy Coleman, Lancaster.
Arnold E. Talle, McIntosh.
Milton P. Mann, Worthington.

NEW HAMPSHIRE

Leston F. Eldredge, Durham.
William T. Lance, Meredith.
Maurice R. Wright, North Hampton.

NORTH DAKOTA

Ethel M. Anderson, Bowman.
James H. McNicol, Grand Forks.
William Roche, Inkster.
Agnes L. Peterson, Washburn.

OKLAHOMA

Everette L. Richison, Bokoshe.
James P. Gaulding, Checotah.
Leslie S. Reed, Hobart.
Noah B. Hays, Keota.
Ruth J. McLane, Lookeba.
Ira Thatcher, Vian.
Bernice Pitman, Waukomis.
Frank C. McKinney, Yukon.

WISCONSIN

William A. Devine, Madison.
Peter F. Piasecki, Milwaukee.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 5, 1932

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most Gracious Father, we thank Thee for Thy redeeming love, unfailing care, and for Thy unerring guidance. As Thou art the sure foundation for a good, upright life, may we cling to Thee with unbroken trust. Bear company with us to-day and hear our urgent prayer for divine help in meeting the tasks which are before us. Sustain us with that peace that never flows in but always flows out. Stoop to our hearts with their tenderest longings, yearnings, and with their priceless treasures of human ties. If any of our homes are in the valley, lead them through it and bring them to the mount of strength and health. Beneath all the breathing, throbbing things of life, teach us how to love Thee with faithfulness, with cheerful sacrifice, and with steady devotion to serve the Republic. Amen.

The Journal of the proceedings of yesterday was read and approved.

PHILIPPINE INDEPENDENCE

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Philippine bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. DICKINSON. Mr. Speaker, the bill for Philippine independence deserves favorable and prompt action. I once served on the Insular Affairs Committee, whose great chairman, William A. Jones, of Virginia, in the year 1916 pressed through Congress the Jones Act seeking to grant independence to the Filipino people. Nearly 16 years have passed since the enactment of this act.

More than 10 years have passed since President Wilson certified to Congress that the condition precedent for granting of independence had been fulfilled. The United States acquired control of the Philippine Islands and the Filipinos by purchase and by force of arms. At the end of the war between Spain and the United States the Spanish Government found itself indebted to the Government of Cuba in the sum of $20,000,000 and, without means to make payment, agreed with and transferred to the United States by quitclaim deed all of Spain's interest, rights, and possessions in the Philippines if the United States would assume and pay Cuba the said sum of $20,000,000, and the deal was made. Then the United States, that had helped to drive Spain from further control of said islands and people, took possession and warred with the Filipino people for control, and has since retained control, promising in 1916 independence by solemn act of Congress.

The World War came on, and independence, long delayed, is now ripe for action by the United States. Seven or eight thousand miles away in the Orient; shortest route, 7,164; longest, 8,340. A Malay people, kindly, thirsting for independence, loving liberty, as all peoples do, united in their voice for the right to govern themselves, grateful to the United States for its beneficent rule and helpfulness, they ask now for liberty, that human rights be placed above the dollar of mere business. Let the expense of control end. They feel and urge that the heartbeat of the nation for freedom and liberty be heard; and when this bill shall have been enacted into law, all nations will proclaim the justice of this act and pay tribute and say with one voice the United States of America has kept its promise to the Filipino people. Not only the liberty of these people but the plighted word and honor of the United States is involved. In my judgment, they will measure up to their full responsibility when they join in the concert of nations as a free and independent nation.

INSURING DEPOSITORS AGAINST LOSS OF INSOLVENT BANKS OF THE FEDERAL RESERVE SYSTEM

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to insert in the RECORD a speech I delivered in the House of Representatives, January 15, 1927, on a bill introduced by me entitled "A bill for the purpose of insuring depositors against loss of insolvent banks of the Federal reserve system," and also an excerpt from another speech subsequently delivered by me on this subject, showing the gross and net earnings and expenses of the 12 Federal reserve banks and also of each Federal reserve bank from 1914 to 1930, inclusive.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech made in the House by myself:

Mr. Chairman and gentlemen of the committee, I want to discuss and explain the provisions of the bill which I introduced before the holidays, at this session of Congress, the object of which is to protect depositors against losses when member banks in the Federal reserve system fail or become insolvent.

This bill is now pending before the Committee on Banking and Currency, of which I am a member. I do not know whether I shall succeed in getting a hearing before the committee at this session or not, but, if not, I intend to do so at the next session.

Next in importance to the problem of farm relief and to the necessity for legislation to avoid a collapse of the agricultural classes of this country is the problem of bank failures and the necessity for appropriate legislation to protect depositors against loss.

There being so much misinformation and the want of information on the part of many intelligent business men and prominent editors in this country, and even among bankers and Members of Congress, in regard to the provisions of the bill I have introduced, the object of which is to insure depositors in member banks of the Federal reserve system against loss upon insolvency of banks, I have decided it will not be out of place to briefly explain the material provisions of this bill.

The bill is H. R. 14921, and entitled:

"A bill to amend section 7 of the Federal reserve act, as amended, for the purpose of insuring depositors in member banks

of the Federal reserve system against loss," a copy of which is carried in the RECORD of December 16, 1926.

A prominent official of one of the largest banks of Atlanta, one at Athens, and a high banking official of a great public institution of Georgia, and an outstanding Democratic Member of Congress have expressed opposition to this bill, basing their opposition upon the assumption that the bill makes the strong banks protect the weak banks. This is exactly what it does not do. It is a misconception of the provisions of the bill.

The ultimate end to be accomplished by this proposed legislation is to give complete protection to depositors in the member banks of the Federal reserve system by creating a fund which will be set aside as a guaranty to depositors that they will be fully protected against loss upon the failure of any bank in the Federal reserve system. If the confidence of the people in the banks of this country is to be maintained, it being at low ebb in many sections of the country at this time, some legislation must be enacted by Congress to guarantee that depositors will lose nothing when any of these banks become insolvent.

There is no provision in this bill which requires the strong banks to protect the weak or puts upon the strong banks any burden of this character. This is probably the only objection which has ever been urged against the Nebraska law, which was so lucidly explained several days ago by the gentleman from Nebraska [Mr. HOWARD]. Though there have been numerous failures of banks in the State of Nebraska during the last several years, by reason of this law no depositor has ever lost a dollar.

My bill gives protection against bank failures whether on account of stealing, embezzlement, mismanagement, or bad judgment on the part of officers and against any fraudulent and illegal conduct on the part of officers, employees, or directors of banks in the use and misuse of the money of the people.

There is one thing just as certain as death and taxes so far as bankers are concerned. They want protection, and they demand it when they hand out their money. I do not criticize them for this, but why not put the depositors in the same attitude and in the same zone of protection when the bankers take their money, especially as the deposits help build up the banks and keep them going and without the depositors getting any interest at that unless from savings banks.

For the purpose of establishing the depositors' guaranty fund provided for in the bill there is authorized to be appropriated out of the Treasury of the United States a sum not in excess of $50,000,000. Such sum, when appropriated, shall be advanced by the Secretary of the Treasury to the guaranty deposit fund.

The bill further provides that this fund shall be decreased from time to time by the franchise tax which, under the present law, the 12 Federal reserve banks are required to pay into the Treasury of the United States out of the net earnings of these banks.

This fund is not available for use at this time for the purpose of creating the depositors' guaranty fund, because, under the law establishing the Federal reserve act, it has been used for the purposes set forth in section 7 of this act.

The total amount of this franchise tax during the year 1926 is $818,150.51.

The scheme of this bill is, and provides as this franchise tax accumulates from year to year, that the amount of the yearly payments thereof is to take care of that much of the guaranty fund appropriated from the Treasury. For instance, if this bill had been enacted into law at the time of the payment to the Government of the $818,150.51 by the Federal reserve banks, this amount would have been placed to the credit of the $50,000,000, the depositors' guaranty fund, at which time and when this was done the Secretary of the Treasury would thereupon have taken out of the depositors' guaranty fund the amount of this payment and placed it back in the Treasury. When this franchise tax amounts to as much as $50,000,000 no part of the funds of the Treasury will be used any longer for the protection of the depositors, but this franchise tax fund will take its place and thereafter be treated as the depositors' guaranty fund. However, this fund can at no time exceed $75,000,000, and at no time be less than $25,000,000. Subsequent payments of the franchise tax in excess of $75,000,000 shall be thereafter paid into the Treasury of the United States. In short, this franchise tax in the end will become the depositors' guaranty fund, in which case this fund and this alone will be the protection and the guaranty against loss to depositors of insolvent banks.

In the scheme of protection and guaranty against loss provided for in this bill, when a bank becomes insolvent the depositors will be paid the full amount of their deposits without any cost to them and without any additional liability being put upon the stockholders. No national bank, no State bank member of the Federal reserve system, neither one of the 12 banks of the system, and no officer or stockholder of any of these banks would lose a dollar by this scheme of protection.

No part of the net earnings of the 12 Federal reserve banks, except the franchise tax, is taken in order to create this guaranty fund. So far as this act is concerned, excepting the franchise tax, the net earnings of the Federal reserve banks are left undisturbed.

Paragraph E, on page 3, provides whenever a member bank of the Federal reserve system is placed in the hands of a receiver or liquidating agent the Federal Reserve Board shall investigate and estimate as soon as practicable whether the assets of such bank, together with such amount as may be realized by enforcing the liabilities of the shareholders, officers, and directors thereof, will be sufficient to pay the depositors in full. Upon the basis of such estimate, the board shall make payment to such depositors from the guarantee fund of amounts, which, in the opinion of the board, will not be realized for the benefit of the depositors from such sources.

(f) If upon final settlement of the affairs of any such bank the assets, together with such amounts as may be realized by enforcing the liabilities of the shareholders, officers, and directors thereof and amounts paid from the depositors' guaranty fund under subdivision (e) are insufficient to discharge such bank's obligations to depositors, the Federal Reserve Board shall pay to such depositors from the depositors' guaranty fund such amounts as may be necessary to make up the deficiency.

If this bill becomes a law, hundreds and hundreds of State banks which are not now members of the Federal reserve system will immediately apply for membership. The bill will thus have a tendency to strengthen the system, which at present it stands in more or less need of. The system is languishing now because so many State banks are not members of it. Hundreds of banks in the United States are purposely keeping out of this system because they are not in sympathy with some of the requirements of the act creating the system, and yet under the protection given by the provisions of this bill no reasonable man can intelligently reach any other conclusion than that most of these nonmember State banks would become members of the Federal reserve system.

We must not be unmindful of the fact that Congress has no jurisdiction over State banks which are not members of the Federal reserve system, and therefore this class of banks would get no benefit from the protection afforded by my bill. The depositors of these nonmember banks would have to rely upon the general assemblies of the States where these nonmember banks are located to enact legislation for their protection.

Mr. O'CONNOR of Louisiana. During the course of the gentleman's remarks he made a statement which, to my mind, is very important to the laymen that have not got the knowledge that lawyers have concerning the power of Congress. On the theory that banking is of an interstate character—of course, a great many banks doing an interstate business are not members of the Federal reserve system. Has not the Congress the power to compel those banks to join the Federal reserve system in the event Congress should choose to exercise its power?

Mr. BRAND of Georgia. I am inclined to think it does have that power if the State banks are engaged in interstate and not solely intrastate business. If this bill should become a law and the franchise tax finally equal the $50,000,000 appropriated, there would not thereafter be any necessity to take a dollar out of the Treasury of the United States.

I did not fix the amount of the guarantee fund at the sum of $50,000,000 arbitrarily. As far as I could, from time to time, I obtained information from the office of the Comptroller of the Currency in regard to the losses sustained by banks since the act creating the Federal reserve system was passed by Congress, as well as prior thereto, and particularly the number of failures of banks in the system during the last five years and the losses sustained by the depositors on account of these failures.

Mr. HUDSON. Mr. Chairman, will the gentleman yield there?

Mr. BRAND of Georgia. Yes.

Mr. HUDSON. How long does the gentleman estimate that it would be before that sum would be covered back into the Treasury?

Mr. BRAND of Georgia. That is a very fair question. The Federal reserve system has been in vogue about 12 years, and there has been paid into the Treasury up to July 1, 1925, as a franchise tax, $139,992,093.58. There have been a great many bank failures in the past five or six years, though I take it that there will not be an increased number in the future.

Mr. HUDSON. Is there not a probability that the number will decrease?

Mr. BRAND of Georgia. Yes; there is strong probability that bank failures will materially decrease in the future rather than increase.

Mr. ALMON. Will the gentleman tell us what was approximately the amount of losses to the banks per annum—that is, member banks belonging to the Federal reserve system.

Mr. BRAND of Georgia. I am glad the gentleman inquired as to that. I have made some investigation into the amount of failures of banks and losses sustained thereby before and since the Federal reserve system was inaugurated. Prior to that time the losses were not anything like what they have been since the establishment of the system, particularly since 1920. The following statement, furnished at my request by the Comptroller of the Currency, shows the losses in insolvent member banks from 1921 to 1924, inclusive, the total losses to creditors, however, include other creditors besides depositors:

Statement of losses sustained by creditors of insolvent national banks in receivership which were completely liquidated during the years 1921 to 1925, inclusive

Year	Number of liquidations	Liabilities to creditors	Amount paid creditors	Losses sustained by creditors
1921	14	$4,085,035	$2,737,604	$1,347,431
1922	11	3,244,714	1,976,009	1,268,705
1923	13	2,362,876	940,584	1,422,292
1924	19	7,644,445	5,334,843	2,309,602
1925	5	804,850	804,850	
Total	62	18,141,920	11,793,890	6,348,030

Mr. ALMON. To what does the gentleman ascribe the increase?

Mr. BRAND of Georgia. It was brought about, and the primary cause is due to the deflation policy set in motion during the year 1920 by the Federal Reserve Board.

Mr. MANLOVE. Mr. Chairman, will the gentleman yield there?

Mr. BRAND of Georgia. Certainly.

Mr. MANLOVE. What proportion of those are State banks?

Mr. BRAND of Georgia. There are 20,168 State banks in the United States not in the Federal reserve system, though not all of them are eligible for membership, and only 1,369 in the system. If this bill becomes a law, you will find these State banks that are not in the system falling over themselves in trying to get into the system. Every State bank not protected by State legislation will endeavor to get into the system, or should do so.

Mr. ALMON. Have any hearings been held on the bill and is it being considered by the committee?

Mr. BRAND of Georgia. Not yet.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BRAND of Georgia. May I have five minutes more?

Mr. HARRISON. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Georgia is recognized for five minutes more.

Mr. BRAND of Georgia. The Committee on Banking and Currency has been busy holding hearings on a bill from the Treasury Department ever since Christmas. The chairman, Mr. MCFADDEN, was more or less indisposed before Christmas. The bill to which I refer proposes to amend the Federal farm loan act. We have had sessions almost every day, and we shall have sessions for another week or so. I hope the committee will give me a hearing, at least to start on this bill at this session; but if not, I shall expect to have hearings at the next session. If this bill should become a law and my scheme of protection is carried out, in the end it will not increase the liability of the stockholders of any member banks of the Federal reserve system or of any of the 12 Federal reserve banks of the system; but it will protect the depositors of all member banks when a failure occurs. So that, without doubt, they will get every dollar of their money. [Applause.]

I hope you will excuse me for saying that I have examined every State law in the United States in regard to the protection and guaranty of deposits in State banks. I did it last year, including, of course, affected member banks of the Federal reserve system. I have examined all of the bills which have been introduced either at the last session or this session which have for their object the protection of depositors in insolvent banks, and in my judgment none of these bills afford any better or more workable and satisfactory plan than the bill I am discussing.

The time has come when confidence has got to be restored in the banks [applause], otherwise the money of the rank and file of the masses will seek hiding places. In many States stock in banks can not be sold to anybody at any price. Over and above everything that can be said upon this subject, all agree that the depositor who puts his money in any bank and does not get any interest on it ought in a spirit of justice and fairness when the bank fails be paid back his deposits, and this sort of guaranty should be bestowed upon the innocent depositor at the hands of this Congress. The hour has struck for action, and the call comes from every section of our country for protection. [Applause.]

I welcome criticism of my bill by Members of Congress. I want them to study the provisions of the bill. I also welcome criticism from anybody out of Congress, bankers and others, because if it can be improved I want to improve it. I am going to contend as long as I am a Member of Congress for some legislation which will protect depositors against loss on account of insolvency of these banks. [Applause.]

For the reasons outlined by me I can not understand how any Member of Congress, unless controlled by party lash, or how any officer of any bank of the Federal reserve system, or any other person can object to the purpose sought to be accomplished by this bill, unless such a one is wholly without sympathy and destitute of compassion and is utterly indifferent to the welfare of the people of this Republic. [Applause.]

Gross and net earnings and expenses of all Federal reserve banks, and also of each Federal reserve bank, 1914–1930

Gross earnings for Federal reserve system	$941,052,065
Total expenses for Federal reserve system	417,847,900
Net earnings for Federal reserve system	523,204,165
Gross earnings for Federal reserve, Atlanta	46,484,095
Total expenses for Federal reserve, Atlanta	22,774,963
Net earnings for Federal reserve, Atlanta	23,709.132
Gross earnings for Federal reserve, Boston	64,301,175
Total expenses for Federal reserve, Boston	28,371,548
Net earnings for Federal reserve, Boston	35,929,627
Gross earnings for Federal reserve, New York	273,116,241
Total expenses for Federal reserve, New York	95,077,273
Net earnings for Federal reserve, New York	178,038,968
Gross earnings for Federal reserve, Philadelphia	70,835,186
Total expenses for Federal reserve, Philadelphia	28,709,532
Net earnings for Federal reserve, Philadelphia	42,145,654
Gross earnings for Federal reserve, Cleveland	81,781,907
Total expenses for Federal reserve, Cleveland	38,089,978
Net earnings for Federal reserve, Cleveland	43,691,929
Gross earnings for Federal reserve, Richmond	45,280,078
Total expenses for Federal reserve, Richmond	22,070,963
Net earnings for Federal reserve, Richmond	23,209,115
Gross earnings for Federal reserve, Chicago	$134,478,670
Total expenses for Federal reserve, Chicago	57,023,387
Net earnings for Federal reserve, Chicago	77,455,283
Gross earnings for Federal reserve, St. Louis	41,654,421
Total expenses for Federal reserve, St. Louis	24,076,969
Net earnings for Federal reserve, St. Louis	17,577,452
Gross earnings for Federal reserve, Minneapolis	31,008,468
Total expenses for Federal reserve, Minneapolis	15,330,485
Net earnings for Federal reserve, Minneapolis	15,677,983
Gross earnings for Federal reserve, Kansas City	45,907,568
Total expenses for Federal reserve, Kansas City	26,421,013
Net earnings for Federal reserve, Kansas City	19,486,555
Gross earnings for Federal reserve, Dallas	33,972,462
Total expenses for Federal reserve, Dallas	20,843,698
Net earnings for Federal reserve, Dallas	13,128,764
Gross earnings for Federal reserve, San Francisco	72,231,794
Total expenses for Federal reserve, San Francisco	39,088,091
Net earnings for Federal reserve, San Francisco	33,143,703

PHILIPPINE INDEPENDENCE

Mr. OSIAS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Philippine bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. OSIAS. Mr. Speaker, exactly 13 years ago to-day the first Philippine mission, headed by Senate President Quezon, sent at the behest of the Philippine Legislature and the Filipino people, in this very city formally and officially presented to the Government and people of the United States our plea for independence. I was with that mission. Before and after that memorable date, April 4, 1919, I had been laboring for our national emancipation. After years of unremitting toil I am naturally happy that at last the day long awaited when we will act on a definite independence bill has come.

April 4, 1932, will be a date forever to be remembered by Filipinos. A concrete independence measure is presented for action before the constitutional representatives of a liberty-loving people. I esteem it an honor and a privilege to have a modest part in the deliberations of this body as we consider H. R. 7233. This resulted from the painstaking study and careful deliberation of the members of the Committee on Insular Affairs under the able chairmanship of the gentleman from South Carolina [Mr. HARE], whose name the bill bears. It enables the people of the Philippines to adopt a constitution and form a government of the Commonwealth of the Philippine Islands and provides for the complete independence of the Filipinos. This bill has merited the approval of the members of the committee and, in the committee report, its passage is strongly recommended. I trust the recommendation will be heeded.

In youth I learned as all of you did learn that a government in a democracy has three branches—legislative, executive, and judicial. I further had the impression that a bill to become a law only needs to be presented, and it would then be approved by both houses and the Chief Executive. In theory all these seemed to be simplicity itself. My legislative experience in the Philippine Senate and in this Congress has taught me that a government has numerous branches. The legislative department alone seems to have different branches. Just now I am wondering if there are not in reality more than 435 branches of Congress—that is to say, as many branches as there are Members plus the committees and other elements. The reality of politics has taught me that, in practice, the enactment of a law is complexity many times complicated.

Before I came here I learned one other thing about your Government. I heard and read that it was a Government of checks and balances. Now I know that it is in truth a Government of checks and balances, mostly checks and balances rather scarce. I have met with so many checks of various kinds. In golfing parlance, I have been made to work my niblick over time. Bunkers galore I have encountered. I am now asking your sympathy and aid so that I may have the joy of playing on the fairway and move along smoothly to the last green.

We had need of the assistance of ever so many in the past and now we need your support all the more. It would be a well-nigh endless task to enumerate the names of those who directly and indirectly assisted in this great struggle, the end of which is now at last not only in sight but

within reach. My people can not too greatly thank previous Congresses which have enacted legislation giving us increased participation in our government. We are thankful to those Members who, in this Congress and in previous Congresses, have submitted bills to secure the fulfillment of America's promise to grant Philippine independence. In this Seventy-second Congress no less than 7 independence bills were presented to this House, 3 from the Republican side and 4 from the Democratic side. This is significant, for it shows that Americans, irrespective of party affiliation, are desirous to effect an immediate and lasting solution of American-Filipino relations on the basis of the redemption of America's pledge and the satisfaction of my people's aspiration.

The Committee on Insular Affairs has had under consideration all these bills and, at the extended and exhaustive hearings held, the Hare bill (H. R. 7233) was used as a basis. Opponents and proponents of the bill were given ample opportunity to present facts and arguments. The representatives of the Filipino people were heard and the record of the hearings contains a wealth of information and data in support of our contention that the time for action has arrived. The members of the committee listened to our plea attentively, courteously, and patiently. They have since deliberated as a body, and as a fruition of their combined wisdom and collective judgment we have before us to-day H. R. 7233, and I join the members in recommending that the bill do pass.

The bill before the House is complete. It takes care of all important eventualities. It was formulated after giving due consideration to the views of the Filipino people and the different elements in the United States interested in the definite settlement of the Philippine question. The amendments incorporated after the presentation of evidence endeavored to harmonize conflicting interests and divergent viewpoints.

It may not be amiss briefly to summarize the salient features of the bill.

The first four sections deal with the constitution.

Section 1 authorizes the Filipino people to hold a constitutional convention to formulate and draft a constitution for the government of the Commonwealth of the Philippines.

Section 2 defines the nature of the constitution to be approved specifying certain mandatory provisions.

Sections 3 and 4 provide for the submission of the constitution to the President of the United States and the Filipino people.

Section 5 provides for the transfer of existing property and rights to the new government of the Commonwealth to be created—

> Except such land or other property as is now actually occupied and used by the United States for military and other reservations of the Government of the United States.

Section 6 deals with the trade relations that should exist between the government of the Commonwealth of the Philippines and the United States before independence is definitely granted. A limitation is placed upon the amount of Philippine exports duty-free to the United States in three major products. More specifically, the limitation is placed at 50,000 long tons on refined sugar and 800,000 tons on unrefined sugar; 200,000 tons on coconut oil, and 3,000,000 pounds on cordage. No limitation whatsoever is placed upon American products exported to the Philippines.

Section 7 prescribes certain conditions to be met pending complete independence. Among these requirements are: (1) the submission of constitutional amendments to the President of the United States for approval; (2) the authority of the President of the United States with respect to certain Philippine laws and obligations and debt and currency; (3) the submission of reports by the President of the Commonwealth to the President of the United States; (4) the appointment of a United States high commissioner for the Philippines; and (5) the appointment of a Philippine resident commissioner to the United States.

Section 8 deals with Philippine immigration to the United States, fixing a maximum annual quota of 50.

Section 9 provides for the withdrawal of American sovereignty and the grant of complete independence to the Philippine Islands on July 4, immediately after the 8-year period from the date of the inauguration of the government of the Commonwealth of the Philippines.

Section 10 deals with the notification of foreign governments by the President of the United States upon the recognition of independence.

Section 11 deals with the tariff duties to be imposed after independence.

The last two sections specify certain statutes continued in force.

It may well be that the bill as presented is not what any one of us would have written. Personally, I wish the period set were shorter. It may well be that to others not every single provision is wholly satisfying. I doubt not that there are features that may be subject to criticism. While all this may be true, none can deny that the enactment of this bill would signify a great step forward. It is the best we have been able to secure. It is the only bill on which we can act now. I accept the judgment of the committee and, with the chairman and the Members, I urge its passage. I believe that this course is the better part of political sportsmanship, and that it is common sense and practical wisdom besides.

It is to the advantage of the people of America and the people of the Philippines that the Philippine problem be now definitely settled. And it is fortunate for both countries that a settlement can be effected amicably and on the basis of mutuality of interests. It is likewise auspicious that the solution herein proposed, namely, the grant of independence, is in accordance with the informed and intense desire of the Filipino people and with the demands of various groups in the United States and America's solemn promise.

That the Filipino people want independence is no longer disputed. Even the opponents of certain features of this particular bill have admitted this to be a fact. To the membership of this body we have frequently made known that our people are a unit for independence. In the record of the hearings we have adduced proofs showing that both political parties in the Philippines, the majority and the minority, are one in their advocacy of independence. Labor, agriculture, business, and professional groups have approved resolutions petitioning that it be immediately granted. Men and women, young and old, have vied with one another in persistently petitioning Congress to redeem America's promise at the earliest possible date. The pagan Filipinos, Mohammedan Filipinos, and Christian Filipinos are united on independence; and the Christian Filipinos, be they Catholic, Aglipayans, or Protestants, are all of one mind on this particular question. It should also be borne in mind that the Philippine Legislature, representing all elements of our population, annually approved resolutions for the early grant of Philippine independence. The slogan, in fact, of all live elements in the Philippines for years has been independence—immediate, absolute, and complete.

From the United States, whether for ethical reasons or on the ground of enlightened selfishness, there have come demands for the early grant of independence from the American Federation of Labor, the American Farm Bureau Federation, the National Beet Growers' Association, the National Grange, the National Cooperative Milk Association, the Farmers' Union, the National Dairy Union, the railroad brotherhoods, and other entities and organizations.

That the United States definitely promised independence is now universally admitted. It is unnecessary to show documentary evidence to such a body as this to prove that America stands committed to the duty of making the Philippines free. It is known that every President of the United States from McKinley has enunciated this as a fundamental Philippine policy. The Congress of the United States in the Philippine autonomy act categorically made known to the world that—

> It is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine

Islands and to recognize their independence as soon as a stable government can be established therein.

The present bill is an earnest attempt to redeem America's solemn pledge and to satisfy the needs, demands, and interests of the peoples of the United States and of the Philippine Islands.

Our common task has been greatly simplified by the labors of the House Committee on Insular Affairs. After a conscientious analysis of the evidence presented at the hearings the committee reached the following conclusions:

1. When the United States, as a result of the war with Spain, assumed sovereignty over the Philippine Islands it disclaimed any intention to colonize or exploit them.
2. In pursuance of such lofty purpose the United States, through Executive pronouncements and a formal declaration made by the Congress in 1916, pledged itself to grant independence to the Philippines. The only condition precedent imposed by the Congress was the establishment of a stable government.
3. It is believed that a stable government now exists in the Philippines; that is, a government capable of maintaining order, administering justice, performing international obligations, and supported by the suffrage of the people.
4. Every step taken by the United States since the inception of American sovereignty over the Philippines has been to prepare the Filipino people for independence. As a result they are now ready for independence politically, socially, and economically.
5. The American farmer is urging protection from the unrestricted free entry of competitive Philippine products.
6. American labor is seeking protection from unrestricted immigration of Filipino laborers, especially at this time of widespread unemployment.
7. The solution of the Philippine problem can no longer be postponed without injustice to the Filipino people and serious injury to our own interests.
8. Any plan for Philippine independence must provide for a satisfactory adjustment of economic conditions and relationships. The present free-trade reciprocity between the United States and the Philippines was established by the American Congress against the opposition of the Filipino people. The major industries of the islands have been built on the basis of that arrangement. This trade arrangement can not be terminated abruptly without injuring both American and Philippine economic interests.

All the Philippine missions who have appeared before congressional committees and the Philippine Resident Commissioners have from time to time presented to the people and Government of the United States a record of substantial progress made to show our people's readiness and to justify the need of action on their national emancipation. The voluminous records of hearings and other documents in the Seventy-first and Seventy-second Congresses contain abundant data and information, facts and figures demonstrative of conditions prevailing in the Philippines. They have been made available to all who were willing to ascertain the truth. It is extremely significant that, after the testimony and evidence have been scrutinized, the committees of the Senate and House of Representatives should have seen fit and deemed wise to act favorably on the independence bills and report them out so that action may be taken by the Congress.

Without unduly burdening the Members with repetitious arguments, let me present a few facts and statements at this juncture to prove the Filipinos' preparedness for an independent life.

Peace reigns throughout the archipelago.

Order exists everywhere.

We have an adequate municipal and insular police force.

An adequate civil-service system is maintained.

There is an adequate system of communication and transportation, and from year to year it is being improved.

About 98 per cent of the posts in the Philippine government are occupied by Filipinos. Most of the American employees are in educational work.

From the beginning of the civil government to the present the Filipinos enjoyed autonomy in their municipal and provincial governments.

In the central government there has been a gradual and steady increase in Filipino participation.

There is in the islands a well-organized system of courts. Justice is administered impartially, without fear or favor.

All the justices of the peace are Filipinos. All the judges of the courts of first instance except two are Filipinos. The chief justice of the supreme court is a Filipino.

Five of the six department heads are Filipinos.

Most of the bureau directors are Filipinos.

In the Philippine Legislature, consisting of the Philippine Senate and the House of Representatives, all the members are Filipinos.

A transition from the present government to the government of the Commonwealth of the Philippines contemplated in this bill under consideration will occasion no very radical change in our political and governmental set-up.

The Philippines is blessed with ample natural resources. It is rich in possibilities—agricultural, mineral, and forestal.

Economically, our island country can comfortably be the home not only of 13,000,000 but fifty or sixty million. It is a land where the climate is favorable, whose soil is fertile, and where famine is practically unknown.

The record of the hearings and the report of the committee show conclusively that the Philippine currency is sound.

They further show that our government is without deficit and has met its obligations and its debts. Better still, it has a balanced budget and a surplus.

The time prescribed in the bill before the grant of complete independence will be adequate to bring about the essential and necessary economic readjustments with the least possible harm to business interests.

The Philippines has a good system of health and sanitation and hospital and public-welfare service. Governmental and private enterprises are working harmoniously in a many-sided program of social service.

The annual death rate in the islands is the lowest among oriental countries.

The people's love of education is proverbial. Parents make the utmost sacrifices to send their children to school, public or private.

Over 30 per cent of the annual budget of our insular government is devoted to educational purposes.

The Filipino children have an opportunity to acquire academic and vocational training. At present we have over 8,500 schools and colleges and 5 universities, public and private. There are nearly 1,350,000 pupils and students in these institutions. English is the medium of instruction used from the first grade up through the elementary, secondary, and collegiate grades. Over 31,000 teachers are employed and, except about 270, all are Filipinos.

The present record of literacy in the Philippines to-day is higher and better than that of 37 of the independent countries of the world.

We are from all essential standpoints ready for independence.

Truly the time is ripe for congressional legislation which definitely settles the Philippine question by fixing the day and pointing out the way for independence. House bill 7233, in the language of the committee report—

provides a sound, feasible, and orderly process of granting independence under conditions which shall be just and fair at once to American and Filipino interests.

The enactment of this measure will remove the cloud of uncertainty in the Philippines. It will dispel all doubt as to the American people's purpose. The whole world shall know that the establishment of a free and independent government is the chief aim and sole justification of America's Philippine occupation.

The passage of this bill amidst the utmost friendship, understanding, and confidence between the American and Filipino peoples is a guaranty that it will be observed faithfully and that its provisions will be interpreted liberally. This act will be a new covenant between the United States and the Philippine Islands, more binding than an ordinary treaty because a great and powerful sovereign state has approved it voluntarily and magnanimously for the benefit of a relatively small and weak country. The Filipino people people shall receive it gratefully.

I believe this day the United States Congress will write a new chapter in history. Redeem America's promise and you will engender new confidence in the Far East. Do an

act of justice and you will reap gratitude. Liberate the Filipinos and they will forever call you blessed.'

Pass this bill, grant independence to our people, and 13,000,000 Filipinos and their children and their children's children will enshrine America's sacred name.

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker, I voted against the so-called Hare bill, H. R. 7233, providing for the independence of the Philippines. My vote was not actuated by any motive or feeling except one which arose from a sincere desire to do what I believed to be best for the Filipino people.

The Philippine Islands came to the United States as a result of a war of liberation waged by our Nation. We have administered the sacred trust thus confided in the most unselfish manner. Some mistakes we have made, but on the whole our work has been done wisely and well. I believe that the great body of American people have held the Filipino people in affectionate esteem. Such, certainly, has been my own sentiment. I have been loath to see them go.

STATEHOOD STATUS

I have hoped that some formula or plan might be evolved which would cause them, proud and happy, to desire to remain under the American flag. I have heretofore suggested that such a formula might be found through giving to the Philippines a statehood status, with representation in the House and Senate, with the full powers—including the right to vote on all questions—now accorded Members of the House and Senate, coming from the State of the Union. Such a statehood status should be somewhat different from that obtaining as to existing States of the Union, because of the differences in the local conditions prevailing in the Philippines and in continental United States. Necessarily, the Philippines would have to be vested with greater local powers and benefits than the respective existing States possess. This consideration would have to be borne in mind as regards the number of Representatives in the Congress to be accorded the Islands. Further, the questions of immigration and customs would require, in the Philippines, a treatment different from that obtaining as to the present States. These questions could be handled through some form of mutual or reciprocal basis.

It has been my hope that some plan might be found whereby the Filipino people would be able to realize both their theoretical and idealistc aspirations as well as those of a purely practical character.

FILIPINO ASPIRATIONS

As the Filipino people progress, these idealistic aspirations as to the unconditional rights of American citizenship—or its full equivalent—become more pronounced. All this is not only natural but highly laudable. There should be no feeling or condition of "inferiority complex" anywhere under the American flag. I have believed that a just solution to the people of the Philippines and to those of the United States might be found, though time, patience, and, perhaps, an amendment to the Federal Constitution might be required. The thoughtful, intelligent Filipinos, in large measure, object to their present status, because they believe it imposes certain limitations on them as regards all the attributes of freedom. In this view they have my full sympathy, but I believe that the economic and political welfare of the Philippine Islands are bound up with the United States, and that any complete and unconditional separation will work to the grave economic and political disadvantage of the islands.

I do not favor trade embargoes against the Philippines. As long as they are under American jurisdiction I desire to see them treated as basic American territory is treated, subject only to the differences which may attach to them because of their geographical situation and their peculiar local conditions.

CONTINUANCE UNDER THE AMERICAN FLAG

It has been my hope to see the Philippine Islands and the Filipino people remain, for better or for worse, under the American flag through the future, and I have also wished that they might of their own will desire this. I have dreamed of the time when the people of continental United States would look toward the insular lands under the flag and say, "our country"; and when, in turn, the people of these insular lands would look toward continental United States and say, "our country." For all these I have wished there to be henceforth a common pride, a common destiny, and a blended heritage. I wish to see the Filipino people happy and prosperous.

I had hoped that through the formulation of some plan of the indicated character, they would be very glad to remain with us, and that we would be glad to have them remain.

As I have just indicated, it is my judgment that complete separation from the United States of the Philippines, and their absolute political independence, will be fatal to their welfare. It will be difficult for thousands of islands, big and little, separated by the wastes of the sea, with varying dialects and religions, to bind themselves into the bonds of indissoluble, enduring nationhood. The cold facts of life should not be blinked, especially those which affect the weal or woe of millions of people. The history and the age-old experience of the human race should not be disregarded.

DIFFICULTIES INVOLVED

This I say without the thought of casting any reflection on the Filipino people. If they were compacted into a single boundary, continental or islandic, the case might be different. Even in the United States, in a single boundary, its people possessed of a common tongue, domestic questions proved so difficult of solution that one of the greatest civil wars of history was waged before the American Union was complete. If the Philippines are accorded absolute, unconditional independence, may any number of civil or secessional wars bring about their complete unification and union? I doubt it. The geographical, racial, religious, and linguistic conditions, in my judgment, make against it.

Again, free and unconditional political independence will, I believe, invite or permit, sooner or later, invasion and subjection of the islands by more powerful nations, in one or another form.

The penetration, at first, may be more or less peaceful or economic, but in the light of all history, ancient, modern, and current—how may the Philippine Islands escape the fate which has overtaken so many countries similarly circumstanced?

The peace of the world may be endangered by our abandonment of the islands.

NO RESPONSIBILITY WITHOUT AUTHORITY

The Government and people of the United States can not afford to accept responsibility without authority. If the Philippines are to leave Uncle Sam's household at all, there should be no "mental reservations" involved. If a new Filipino nation is set up, it must derive protection from its own army and navy, and this would mean heavy tax burdens upon the Filipinos and the diversion of large sums from internal improvement purposes.

FREE TRADE WITH UNITED STATES

My judgment is that the Philippines can not economically exist—that is to say, exist in a satisfactory way—except through broad, intimate, and unrestricted trade relationships with the United States. Withdraw these advantages and the Philippines will soon be gasping for economic breath.

On the other hand, our trade with the Philippines means much to the American people. The potential resources of the Philippines are great. They need development. Where, better than in the United States, may capital for such development be found? I have believed that our mutual trade relations redound to our mutual benefit, and that this benefit will grow as the years roll on. Continental United States is a great mainland of the temperate zone, industrial as well as agricultural in character. In the tropical isles of the Filipino world are produced those growths of the soil and those articles of handicraft which, when compared with what we grow and manufacture, invite, for the most part, exchange rather than competition. Hence in the

ultimate situation the continued political bond between the United States and the Philippines should be mutually beneficial.

CHANGING VIEWPOINT

In this connection I know that large numbers of the American people have recently come to believe that the continuance of this bond makes for the commercial and economic disadvantage of the people of the United States. Considering the matter in its broad and enduring aspects I do not believe this is the correct view. But for this adverse opinion of many of our people, reflected so largely in the Congress, the bill under discussion would certainly have failed to command the strength that it did command upon its passage by the House. The vote involved did not, it seems to me, imply any particular compliment or altruistic concern for the Philippines. Because of purely economic considerations, rather than through those of sentiment or obligation, I believe, that vote was chiefly influenced.

Touching the passage of the bill by the House, I must not minimize, however, the effective efforts made in that behalf, by our greatly esteemed colleagues, Commissioners GUEVARA and OSIAS. Their influence in the Congress is of the highest character; and it was fully exercised to bring about favorable House action for the measure.

My earnest judgment is that considerations of sentiment and obligation should be paramount. Thus motivated, may not my vote prove me to be as good a friend of the Filipino people as the vote of another, who thought only in terms of commercial advantage to continental United States?

UNITED STATES AND THE PHILIPPINES

Destiny brought into the orbit of the United States of America the Philippine Islands.

The providence of the ages enabled the United States to become the liberator and protector of the islands. Compare the record of service made by the United States in the Philippines with the record of service of any other nation in any age, in any similar relationship. Is not the balance all in favor of the United States? Match, if you can, anywhere else the splendid unselfishness of the Republic of Washington and Lincoln in its dealings with the insular countries which came under its protection as a result of the Spanish-American War. We have not exploited these lands. We have put into them far more than we have taken out. And a part of what we have put into them has been the ideal of the highest liberty and independence. That ideal we do not wish to see destroyed; but I, for one, have hoped that it might be fully realized by an enduring acceptance by the Filipino people of the American flag and the American destiny upon terms that might be altogether consonant with that ideal.

And thus, Mr. Speaker, I have indulged the hope, born of the affection and esteem I have felt for the Filipino people—and, I have seen their beautiful islands, and have partaken of their splendid hospitality—the hope, I may say, that a formula might be evolved that would fully satisfy Filipino aspirations; a formula that would cause them to desire, upon their own volition and election, to march under the Stars and Stripes, with the States of the American Union—the Philippine Islands themselves a State, making its distinctive and invaluable contribution to the common nation—on and on through the eventful years of the indefinite future.

A PARLIAMENTARY INQUIRY

Mr. UNDERHILL. Mr. Speaker, I would like to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERHILL. On a motion to suspend the rules the Speaker is supposed to recognize and does recognize the ranking member of the committee who is opposed to the bill to demand a second.

The SPEAKER. That is customary.

Mr. UNDERHILL. Then must the Member who has that distinction recognize those in opposition to the bill or may he use his own discretion?

The SPEAKER. The Chair generally asks the question, as he did yesterday, whether the Member demanding a second is opposed to the bill. If he says he is, the Chair will recognize him. If he is a member of the committee and there is a contest in the committee, the Chair usually recognizes the Member who qualifies as being opposed to the bill, so that he may control the time against the bill.

Mr. UNDERHILL. I do not want the Chair to understand that I am criticizing him for his action yesterday, because it was perfectly proper, but I want to know if it is ethical for the man so recognized, and who then votes for the bill, to yield the time to those who are in favor of the bill instead of to those opposed to it?

The SPEAKER. The Chair hardly thinks that is a parliamentary inquiry. The Chair might not have the ethics that other Members of the House have, so the Chair must decline to pass on the ethics.

Mr. UNDERHILL. May I ask if there is any way whereby the minority can be protected in their rights?

The SPEAKER. The Chair does not know to what the gentleman refers; but if a Member of the House qualifies by saying he is opposed to the bill, then it is a matter for his own judgment as to what his procedure will be after that.

Mr. UNDERHILL. Then it is a matter of ethics and honesty?

PHILIPPINE INDEPENDENCE

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Philippine bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, ladies, and gentlemen, notwithstanding that this bill will delay the recognition of Philippine independence for nearly 12 years, I shall vote for it, inasmuch as it is the best that can be obtained at this time. For nearly 25 years I have been advocating granting to the Philippine people their independence.

My first resolution to that effect, which called for neutrality so as to protect the islands from any foreign interference, was introduced in 1909, and I still feel that the plan embodied in my resolution would be, even at this late date, the safest to pursue. But the committee, having thoroughly and carefully investigated the conditions, disagreed with this plan and reported the bill, which, as I have stated, will grant the Philippine people their freedom upon their complying with its provisions at no later date than 1945, and which I take the privilege of inserting:

A bill to enable the people of the Philippine Islands to adopt a constitution and form of government for the Philippine Islands, to provide for the independence of the same, and for other purposes

Be it enacted, etc.,

CONVENTION TO FRAME CONSTITUTION FOR PHILIPPINE ISLANDS

SECTION 1. The Philippine Legislature is hereby authorized to provide for the election of delegates to a constitutional convention to meet at such time and place as the Philippine Legislature may fix, to formulate and draft a constitution for the government of the Commonwealth of the Philippine Islands, subject to the conditions and qualifications prescribed in this act, which shall exercise jurisdiction over all the territory ceded to the United States by the treaty of peace concluded between the United States and Spain on the 10th day of December, 1898, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November, 1900. The Philippine Legislature shall provide for the necessary expenses of such convention.

CHARACTER OF CONSTITUTION—MANDATORY PROVISIONS

SEC. 2. The constitution formulated and drafted shall be republican in form, shall contain a bill of rights, and shall, either as a part thereof or in an ordinance appended thereto, contain provisions to the effect that, pending the final and complete withdrawal of the sovereignty of the United States over the Philippine Islands—

(a) All citizens of the Philippine Islands shall owe allegiance to the United States.

(b) Every officer of the government of the Philippine Islands shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.

(c) Absolute toleration of religious sentiment shall be secured, and no inhabitant or religious organization shall ever be molested

in person or property on account of religious belief or mode of worship.

(d) Property owned by the United States, cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

(e) Trade relations between the Philippine Islands and the United States shall be upon the basis prescribed in section 6.

(f) The public debt of the Philippine Islands and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of the United States; and no loans shall be contracted in foreign countries without the approval of the President of the United States.

(g) The debts, liabilities, and obligations of the present Philippine government, its Provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the constitution, shall be assumed and paid by the new government.

(h) Provision shall be made for the establishment and maintenance of an adequate system of public schools primarily conducted in the English language.

(i) No part of the public revenues shall be used for the support of any sectarian or denominational school, college, university, church, or charitable institution.

(j) Acts affecting the currency or coinage laws shall not become law until approved by the President of the United States.

(k) Foreign affairs shall be under the direct supervision and control of the United States.

(l) All acts passed by the Legislature of the Commonwealth of the Philippine Islands shall be reported to the Congress of the United States.

(m) The Philippine Islands recognizes the right of the United States to expropriate property for public uses, to maintain military and other reservations and armed forces in the Philippines and, upon order of the President, to call into the service of such armed forces all military forces organized by the Philippine government.

(n) Appeals to the Supreme Court of the United shall be as now provided by existing law and shall also include all cases involving the constitution of the Commonwealth of the Philippine Islands.

(o) The United States may exercise the right to intervene for the preservation of the government of the Commonwealth of the Philippine Islands and for the maintenance of the government as provided in their constitution and for the protection of life, property, and individual liberty and for the discharge of government obligations under and in accordance with the provisions of their constitution.

(p) The authority of the United States High Commissioner to the government of the Philippine Islands, as provided in this act, shall be recognized.

(q) Citizens and corporations of the United States shall enjoy in the Commonwealth of the Philippine Islands all the civil rights of the citizens and corporations respectively thereof.

SUBMISSION OF CONSTITUTION TO THE PRESIDENT OF THE UNITED STATES

SEC. 3. Upon the drafting and approval of the constitution by the constitutional convention in the Philippine Islands such constitution shall be submitted to the President of the United States, who shall determine whether or not it conforms with the provisions of this act. If he finds that the proposed constitution conforms substantially with the provisions of this act he shall so certify to the Governor General of the Philippine Islands, who shall so advise the constitutional convention assembled, but if he finds that the proposed constitution does not conform with the provisions of this act he shall so advise the Governor General, stating wherein in his judgment the constitution does not so conform and submitting provisions which will in his judgment make the constitution so conform. The Governor General shall in turn submit such message to the constitutional convention for further action by them, pursuant to the same procedure hereinbefore defined, until the President and the constitutional convention are in agreement.

SUBMISSION OF CONSTITUTION TO FILIPINO PEOPLE

SEC. 4. After the President of the United States has certified that the constitution conforms with the provisions of this act it shall be submitted to the people of the Philippine Islands for their ratification or rejection at an election to be held within four months after the date of such certification, on a date to be fixed by the Philippine Legislature, at which election the qualified voters of the Philippine Islands shall have an opportunity to vote directly for or against the proposed constitution and ordinances appended thereto. Such election shall be held in such manner as may be prescribed by the Philippine Legislature, to which the return of the election shall be made. The Philippine Legislature shall by law provide for the canvassing of the return and, if a majority of the votes cast on that question shall be for the constitution, shall certify the result to the Governor General of the Philippine Islands, together with a statement of the votes cast thereon, and a copy of said constitution and ordinances. The Governor General shall, in that event, within 30 days after receipt of the certification from Philippine Legislature, issue a proclamation for the election of officers of the government of the Commonwealth of the Philippine Islands provided for in the constitution. The election shall take place not earlier than three months nor later than six months after the proclamation by the Governor General ordering such election. When the election of the officers provided for under the constitution has been held and the results determined, the Governor General of the Philippine Islands shall certify the result of the election to the President of the United States, who shall thereupon issue a proclamation announcing the results of the election, and upon the issuance of such proclamation by the President the existing Philippine government shall terminate and the new government shall enter upon its rights, privileges, powers, and duties, as provided under the constitution. The present government of the Philippine Islands shall provide for the orderly transfer of the functions of government.

If a majority of the votes cast are against the constitution, the existing government of the Philippine Islands shall continue without regard to the provisions of this act.

TRANSFER OF PROPERTY AND RIGHTS TO PHILIPPINE COMMONWEALTH

SEC. 5. All the property and rights which may have been acquired in the Philippine Islands by the United States under the treaties mentioned in the first section of this act, except such land or other property as is now actually occupied and used by the United States for military and other reservations of the Government of the United States, and except such land or other property or rights or interests therein as may have been sold or otherwise disposed of in accordance with law, are hereby granted to the new government of the Commonwealth of the Philippine Islands when constituted.

TRADE RELATIONS WITH THE UNITED STATES PENDING COMPLETE INDEPENDENCE

SEC. 6. After the date of the inauguration of the government of the Commonwealth of the Philippine Islands trade relations between the United States and the new government shall be as now provided by law, subject to the following exceptions:

(1) There shall be levied, collected, and paid on all refined sugars in excess of 50,000 long tons, and on unrefined sugars in excess of 800,000 long tons, coming into the United States from the Philippine Islands in any calendar year, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

(2) There shall be levied, collected, and paid on all coconut oil coming into the United States from the Philippine Islands in any calendar year in excess of 200,000 long tons, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

(3) There shall be levied, collected, and paid on all yarn, twines, cords, cordage, rope, and cables, tarred or untarred, wholly or in chief value of manila (abaca) or other hard fibers, coming into the United States from the Philippine Islands in any calendar year in excess of a collective total of 3,000,000 pounds of all such articles hereinbefore enumerated, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

(4) In the event that in any year the limit in the case of any article which may be exported to the United States free of duty shall be reached by the Philippine Islands, the amount or quantity of such articles produced in the Philippine Islands thereafter that may be so exported to the United States shall be allocated, under export permits issued by the government of the Commonwealth of the Philippine Islands, to the producers or manufacturers of such articles proportionately on the basis of their exportation to the United States in the preceding year; except that in the case of unrefined sugar the amount thereof to be exported annually to the United States free of duty shall be allocated to the sugar-producing mills of the islands proportionately on the basis of their production in the preceding year, and the amount of sugar which may be exported from each mill shall be allocated between the mill and the planters on the basis of the proportion of sugar received by the planters and the mill from the planters' cane, as provided in their milling contract. The government of the Philippine Islands is authorized to adopt the necessary laws and regulations for putting into effect the allocation hereinbefore provided.

When used in this section in a geographical sense, the term "United States" includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam.

SEC. 7. Until the final and complete withdrawal of American sovereignty over the Philippine Islands—

(1) Every duly adopted amendment to the constitution of the government of the Commonwealth of the Philippine Islands shall be submitted to the President of the United States for approval. If the President approves the amendment, or if the President fails to disapprove such amendment within six months from the time of its submission, the amendment shall take effect as a part of such constitution.

(2) The President of the United States shall have authority to suspend the taking effect of the operation of any law, contract, or executive order of the government of the Commonwealth of the Philippine Islands, which in his judgment will result in a failure of the government of the Commonwealth of the Philippine Islands to fulfill its contract, or to meet its bonded indebtedness and interest thereon or to provide for its sinking funds, or which seems likely to impair the reserves for the protection of the currency of the Philippine Islands, or which in his judgment will violate international obligations of the United States.

(3) The chief executive of the government of the Commonwealth of the Philippine Islands shall make an annual report to the President and Congress of the United States of the proceedings and operations of the government of the Commonwealth of the Philippine Islands and shall make such other reports as the President or Congress may request.

(4) The President shall appoint, by and with the advice and consent of the Senate, a United States high commissioner to the government of the Commonwealth of the Philippine Islands who shall hold office at the pleasure of the President and until his successor is appointed and qualified. He shall be known as the United States high commissioner to the Philippine Islands. He shall be the representative of the President of the United States in the Philippine Islands and shall be recognized as such by the government of the Commonwealth of the Philippine Islands, by the commanding officers of the military forces of the United States, and by all civil officials of the United States in the Philippine Islands. He shall have access to all records of the government or any subdivision thereof, and shall be furnished by the chief executive of the Commonwealth of the Philippine Islands with such information as he shall request.

If the government of the Commonwealth of the Philippine Islands fails to pay any of its bonded or other indebtedness or the interest thereon when due or to fulfill any of its contracts, the United States high commissioner shall immediately report the facts to the President, who may thereupon direct the high commissioner to take over the customs offices and administration of the same, administer the same, and apply such part of the revenue received therefrom as may be necessary for the payment of such overdue indebtedness or for the fulfillment of such contracts. The United States high commissioner shall annually, and at such other times as the President may require, render an official report to the President and Congress of the United States. He shall perform such additional duties and functions as may be lawfully delegated to him from time to time by the President.

The United States high commissioner shall receive the same compensation as is now received by the Governor General of the Philippine Islands, and shall have such staff and assistants as the President may deem advisable and as may be appropriated for by Congress. He may occupy the official residence and offices now occupied by the Governor General. The salaries and expenses of the high commissioner and his staff and assistants shall be paid by the United States.

The first United States high commissioner appointed under this act shall take office upon the inauguration of the new government of the Commonwealth of the Philippine Islands.

(5) The government of the Commonwealth of the Philippine Islands shall provide for the selection of a Resident Commissioner to the United States, and shall fix his term of office. He shall be the representative of the government of the Commonwealth of the Philippine Islands and shall be entitled to official recognition as such by all departments upon presentation to the President of credentials signed by the chief executive of said islands. He shall have a seat in the House of Representatives of the United States, with the right of debate, but without the right of voting. His salary and expenses shall be fixed and paid by the government of the Philippine Islands. Until a Resident Commissioner is selected and qualified under this section, existing law governing the appointment of Resident Commissioners from the Philippine Islands shall continue in effect.

(a) For the purposes of the immigration act of 1917, the immigration act of 1924 (except sec. 13 (c)), this section, and other laws of the United States relating to the immigration, exclusion, or expulsion of aliens, persons who are citizens of the Philippine Islands, and who are not citizens of the United States, shall be considered as if they were aliens. For such purposes the Philippine Islands shall be considered as if it were a separate country and shall have for each fiscal year a quota of 50. This subdivision shall not apply to a person coming or seeking to come to the Territory of Hawaii who does not apply for and secure an immigration or passport visa.

(b) Citizens of the Philippine Islands who are not citizens of the United States shall not be admitted to the continental United States from the Territory of Hawaii (whether entering such Territory before or after the effective date of this section) unless they belong to a class declared to be nonimmigrants by section 3 of the immigrant act of 1924 or to a class declared to be nonquota immigrants under the provisions of section 4 of such act other than subdivision (c) thereof, or unless they were admitted to such Territory under an immigration visa. The Secretary of Labor shall by regulations provide a method for such exclusion and for the admission of such excepted classes.

(c) Any Foreign Service officer may be assigned to duty in the Philippine Islands under a commission as a consular officer, for such period as may be necessary and under such regulations as the Secretary of State may prescribe, during which assignment such officer shall be considered as stationed in a foreign country; but his powers and duties shall be confined to the performance of such of the official acts and notarial and other services which such officer might properly perform in respect of the administration of the immigration laws if assigned to a foreign country as a consular officer, as may be authorized by the Secretary of State.

(d) For the purposes of sections 18 and 20 of the immigration act of 1917, as amended, the Philippine Islands shall be considered a foreign country.

(e) The provisions of this section are in addition to the provisions of the immigration laws now in force, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this section. An alien, although admissible under the provisions of this section, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this section, and an alien, although admissible under the provisions of the immigration laws other than this section, shall not be admitted to the United States if he is excluded by any provision of this section.

(f) Terms defined in the immigration act of 1924 shall, when used in this section, have the meaning assigned to such terms in that act.

(g) This section shall take effect 60 days after the enactment of this act.

RECOGNITION OF PHILIPPINE INDEPENDENCE AND WITHDRAWAL OF AMERICAN SOVEREIGNTY

SEC. 9. (1) On the 4th day of July immediately following the expiration of a period of eight years from the date of the inauguration of the new government under the constitution provided for in this act the President of the United States shall withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States in and over the territory and people of the Philippine Islands, including all military and other reservations of the Government of the United States in the Philippines and, on behalf of the United States, shall recognize the independence of the Philippine Islands as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof under the constitution then in force: *Provided*, That the constitution of the Commonwealth of the Philippine Islands has been previously amended to include the following provisions:

(2) That the property rights of the United States and the Philippine Islands shall be promptly adjusted and settled, and that all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippine Islands.

(3) That the government of the Philippine Islands will cede or grant to the United States land necessary for commercial base, coaling or naval stations at certain specified points, to be agreed upon with the President of the United States not later than two years after his proclamation recognizing the independence of the Philippine Islands.

(4) That the officials elected and serving under the constitution adopted pursuant to the provisions of this act shall be constitutional officers of the free and independent government of the Philippine Islands and qualified to function in all respects as if elected directly under such government, and shall serve their full terms of office as prescribed in the constitution.

(5) That the debts and liabilities of the Philippine Islands, its Provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent government of the Philippine Islands; and that where bonds have been issued under authority of an act of Congress of the United States by the Philippine Islands, or any Province, city, or municipality therein, the Philippine government will make adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on the taxes collected in the Philippine Islands.

(6) That the government of the Philippine Islands, on becoming independent of the United States, will assume all continuing obligations assumed by the United States under the treaty of peace with Spain ceding said Philippine Islands to the United States.

(7) That by way of further assurance the government of the Philippine Islands will embody the foregoing provisions (except paragraph (3)) in a treaty with the United States.

NOTIFICATION TO FOREIGN GOVERNMENTS

SEC. 10. Upon the proclamation and recognition of the independence of the Philippine Islands, the President shall notify the governments with which the United States is in diplomatic correspondence thereof and invite said governments to recognize the independence of the Philippine Islands.

TARIFF DUTIES AFTER INDEPENDENCE

SEC. 11. After the Philippine Islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries: *Provided*, That at least six months prior to the withdrawal of American sovereignty, as hereinbefore provided, there shall be held a conference of representatives of the Government of the United States and the government of the Commonwealth of the Philippine Islands, such representatives to be appointed by the President of the United States and the chief executive of the Commonwealth of the Philippine Islands, respectively, for the purpose of formulating recommendations as to future trade relations between the Government of the United States and the independent government of the Philippine Islands, the time, place, and manner of holding such conference to be determined by the President of the United States; but nothing in this proviso shall be construed to modify or affect in any way provision of this act relating to the procedure leading up to Philippine independence or the date upon which the Philippine Islands shall become independent.

CERTAIN STATUTES CONTINUED IN FORCE

SEC. 12. Except as in this act otherwise provided, the laws now or hereafter in force shall continue in force in the Philippine

Islands until altered, amended, or repealed by the Legislature of the Commonwealth of the Philippine Islands or by the Congress of the United States, and all references in such laws to the Philippines or Philippine Islands shall be construed to mean the government of the Commonwealth of the Philippine Islands. The government of the Commonwealth of the Philippine Islands shall be deemed successor to the present government of the Philippine Islands and of all the rights and obligations thereof. Except as otherwise provided in this act, all laws or parts of laws relating to the present government of the Philippine Islands and its administration are hereby repealed as of the date of the inauguration of the government of the Commonwealth of the Philippine Islands.

SEC. 13. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

This, of course, will give the American investors ample opportunity to adjust their affairs without causing any hardship, and will enable the Philippine people to adjust their domestic as well as foreign affairs in a manner that I hope will be satisfactory in every respect. My advocacy of the Philippine independence has been motivated by no other reason than to have our Nation keep faith, not only with the Philippine people but with the world, and prove without doubt that it is not the policy and the intent of this country to enlarge our foreign possessions.

To-day I am indeed gratified that after many years a favorable vote was taken fulfilling the solemn pledge and assurance given to the Philippine people and the world that this country was going to grant the islands their independence. I have always felt that the assurance contained in President Wilson's message in 1913 should and would be fulfilled:

We regard ourselves as trustees acting not for the advantage of the United States but for the benefit of the people of the Philippine Islands. Every step we take will be taken with a view to ultimate independence of the islands and as a preparation for that independence.

I also feel that the action taken by Congress in 1916 clearly stated our position when we adopted the following resolution:

Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence.

Nearly 16 years have passed since the enactment of this resolution. More than 10 years have elapsed since President Wilson certified to the Congress that the condition precedent for the granting of independence has been fulfilled.

I fully appreciate that many gentlemen will vote for this bill for economical reasons. But this is not so in my case. I have always believed and advocated that it was not the intention of our Government to deprive the Philippine people of their independence—the independence which we ourselves cherish and which is so dear to us.

I hope that this bill will meet with the approval of the other body and that the President, notwithstanding his imperialistically inclined advisers, will approve it and thereby cause rejoicing and happiness in the hearts of 13,000,000 or more Philippine people.

It is my foremost hope and wish that the Philippine people will adopt a constitution that will forever bring freedom and liberty to every person in the islands and that they will demonstrate to the doubtful, selfish, and militaristic groups their ability of self-government in precisely the same way that our own thirteen Colonies had demonstrated and proved to those who over a century and a half ago showed skepticism that they were capable of self-government.

It is also my wish that they will be spared the trials and tribulations that have been ours; that they will realize that in harmony and cooperation is strength; that prudence and wisdom will guide them in all their actions; and that happiness and contentment and prosperity will forever be theirs.

HENRIETTA M. WILLIAMSON

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from North Carolina offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 180

Resolved, That there shall be paid, out of the contingent fund of the House, to Henrietta Moye Williamson, widow of Milton Clay Williamson, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding $250 to defray funeral expenses of the said Milton Clay Williamson.

The resolution was agreed to.

JESSIE M'KINLEY

Mr. WARREN. Mr. Speaker, I offer another privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from North Carolina offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 178

Resolved, That there shall be paid, out of the contingent fund of the House, to Jessie McKinley, daughter of Henry C. McKinley, late an employee of the House, an amount equal to six months' compensation and an additional amount, not exceeding $250, to defray funeral expenses of the said Henry C. McKinley.

The resolution was agreed to.

CALL OF THE HOUSE

Mr. BACHMANN. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. WARREN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 43]

Abernethy	Doughton	Johnson, S. Dak.	Reid, Ill.
Aldrich	Drane	Kennedy	Sanders, N. Y.
Andrew, Mass.	Drewry	Kurtz	Schneider
Andrews, N. Y.	Erk	Lamneck	Seiberling
Bacharach	Fish	Larrabee	Shreve
Bacon	Foss	Larsen	Stokes
Beers	Freeman	Lewis	Strong, Pa.
Burch	Garrett	Lindsay	Sullivan, Pa.
Burdick	Gillen	McFadden	Taylor, Tenn.
Campbell, Pa.	Goldsborough	McSwain	Thurston
Chapman	Hall, Ill.	Magrady	Treadway
Chase	Harlan	Martin, Mass.	Tucker
Cochran, Pa.	Hogg, Ind.	Montague	Turpin
Collier	Hogg, W. Va.	Murphy	Watson
Connery	Houston	Owen	Welsh, Pa.
Crisp	Hull, William E.	Peavey	Wolfenden
Darrow	Igoe	Perkins	Wood, Ga.
Dieterich	Johnson, Ill.	Purnell	

The SPEAKER. Three hundred and sixty-three Members have answered to their names; a quorum is present.

Mr. RAINEY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

PHILIPPINE INDEPENDENCE

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks on the Philippine independence bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. NELSON of Wisconsin. Mr. Speaker, I have been heartily in favor of Philippine independence from the very beginning of our occupation of the islands; and now that the opportunity is offered Congress to grant to the people of the Philippine Islands the independence they have for

more than 30 years been earnestly and persistently pleading for, I am glad to have the privilege of voting for the enactment of the Hare bill.

The reasons that have inspired me to favor it are too numerous to consider in detail at this time; they have already been stated by me on the floor of this House in a previous Congress. Therefore, I shall mention a few of the more important phases I have already discussed. To-day I purpose to speak principally on nationalism, the spirit of patriotism, which prompts the Filipinos to seek their own rightful place in the family of nations.

PROMISES

First of all our promises. I believe that we as a nation must keep faith with the Filipino nation or lose our own self-respect and the respect of other peoples, and particularly the people of the Orient. Secretary of State Stimson aptly said:

> In nothing will we be judged more sharply and critically than in the way in which we keep our promise with these Filipino people who, for 30 years, we announced to the world we should govern in their interest and not in our interests.

That we have promised them independence no one can seriously attempt to deny. I have little patience with those who would quibble about this promise with such subterfuge as that these pronouncements were not "technically exactly promises"; or that "we have never given them a definite promise of independence"; and that we have a right to disregard our solemn promise to them made by legislative act because that "promise was not in the body of the bill and could not bind the American people." The well-known American author, Felix Morley, calls that "chicanery, unworthy of those who deal with the faith and honor of a nation." It has been stated by scores of responsible authorities and has recently been affirmed by President Hoover:

> • • • Independence of the Philippines at some time has been directly or indirectly promised by every President and by the Congress. • • • The problem is one of time.

FILIPINO CONFIDENCE IN AMERICA

Early in their contact with us the Filipinos had confidence in our sincerity of purpose; they were convinced that our occupation of the Philippines was not selfish or mercenary, but was for the sake of humanity. A proclamation by Filipinos to Filipinos declared:

> Divine Providence places us in a position to secure our independence, and this under the freest form to which all individuals, all peoples, all countries, may aspire.

At the time of the World War, when the American forces were needed elsewhere and were withdrawn from the islands, perfect order was maintained; the Filipinos not only refrained from pressing their own plea for independence but did all in their power to support our country in the fight we were making for the integrity of all nations, great and small. They did not take advantage of us then because they had full confidence that when the proper time came we would deal justly with them.

We expect that they shall continue in the future to hold the same confidence in our Nation when we shall have sponsored and set up the first Christian republic in the Orient.

AMERICAN INTERESTS

I am interested, too, in this question because it is of vital importance to the American people who have to compete with Philippine products and Philippine labor. Before the committee hearing this question have come representatives of the Federation of Labor, the Farmers' Union, the National Dairy Union, the railroad brotherhoods pleading to Congress for relief from this competition. Their desire for Philippine independence is not motivated wholly by their own self-interest. As American citizens, they take pride in seeing their country do the thing that is noble and right. In the words of one of their representatives:

> • • • farmers are citizens just as much as town people; and if the Government has made a promise, it should be fulfilled.

They believe, as I do, that the best way to serve our own interests is to be fair and honorable with the people of the Philippines by granting their independence now. The present unsatisfactory relations exemplify the truth that "justice delayed is justice denied."

NATIONALISM—OURS AND OTHERS

I believe in Philippine independence because I am convinced that every nation should be given the privilege of preserving its national identity.

A Commissioner of the Philippine Islands has aptly said that if Washington were here to-day, "he would be deeply sympathetic with the aspirations of the 13,000,000 souls across the sea who have fought, labored, and sacrificed that they, too, may have a country of their own, independent and free." To-day our Nation is in the midst of a country-wide celebration of the two hundredth anniversary of the birth of this great American. It is fitting that we should so honor George Washington—the incarnation of our spirit of patriotism and of nationalism. But while we do so, we can not consistently be deliberately blind to the love of country that dominates the thought, the will, the actions of other nationalistic groups, nor be stubbornly indifferent to their appeal for reasonable and just treatment.

NATIONALISM EVERYWHERE

Nationalism is playing a most significant part to-day in the present turbulent affairs of the world. It is everywhere manifest. Korea for the Koreans; Italy for a greater Italy; Poland for a unified Poland; Ireland for the Sinn Fein; Indians over India; the Philippines for the Filipinos; and the United States for the 100 per centers. "Buy British goods," "buy American goods," high-tariff walls, and competitive armaments have their origin in the same source—nationalism.

WHAT IS IT?

Since it is everywhere, what is it? Times of real or imagined prosperity drove men to seek more raw materials and more markets. Because of their hemp, oil, or rubber, almost unknown peoples sprang into prominence. The resources that should have been a blessing to the people became their political snare. World contacts that should have made for peace and friendly relations culminated in a World War. Ever since that catastrophe to mankind historians, sociologists, anthropologists, and publicists, in order to prevent another world disturbance, have set to work to study the root, stem, and flower of that mysterious phenomenon called "nationalism."

What did they find? On nationalism, its origin, and its nature men are not agreed; but in one conclusion they are practically unanimous—that this thing "nationalism" is intangible and mysterious and exceedingly deep and powerful. It is a force laden with blessing and loaded with dynamite. Prof. Carlton Hayes, of Columbia University, calls it the "most significant emotional factor in public life to-day."

ITS POWER

The power of nationalism is revealed in history. The French Revolution was the real birth agony of nationalism. Nationalism it was that tore limb from limb the Spanish Empire. Nationalism changed the map of Europe. Nationalism is breaking up the British Empire. Nationalism is transforming the Orient.

NATIONALITY AND BOUNDARIES

John Stuart Mill held the necessary condition of nationalism to be "that the boundaries of government coincide in the main with those of nationality." Herein lies the problem of alien domination over subject peoples. Herein lies the problem of Japan in Manchuria and Korea, of Great Britain in Egypt, in Ireland, in India, and herein lies the problem of the United States in Hawaii and in the Philippine Islands. Will the nationalism of Great Britain, Holland, Japan, and the United States honor the boundaries of government and nationality? Or will these imperialistic nations see only the oriental market, oriental raw materials, a strategic naval base, a safe line of communication for trade, or the protection of foreign investors, with little or no regard for the rights of other nationalistic groups?

Chief Justice Charles Evans Hughes has clearly stated the real issue:

Every nation has the right to independence in the sense that it has a right to the pursuit of happiness and is free to develop itself without interference or control from other states, provided that in so doing it does not interfere with or violate the rights of other nations.

NATIONALITY AND NATIONALISM

Nationality is the term commonly used to designate a group of people who speak the same language or closely related dialects; who cherish common historical traditions, and constitute a distinct cultural entity.

The people of the Philippine Islands have such nationality. They speak either the same language—English—or closely related dialects. They cherish common historical traditions.

The Filipino nation was born in 1896. At that time a well-organized revolution against the Spanish intruder upon their nationalism gave evidence of a perfectly healthy birth. The Filipinos organized a government of their own under a chosen leader. It functioned satisfactorily to a majority of the people. Then came the American soldier and took possession. Filipino nationalism again resented the intrusion. A war followed, one of the bloodiest in history, a war between former friends and allies. Two wars then made of the Filipinos one people, a nation, a nationality. Their nationalism was crushed, but not destroyed. To-day it is alive, active, insistent.

However, their nationality defies all classification. A Filipino is the subject of the Government of the United States and entitled to its protection abroad. Yet, when he comes to the land of his protector, he may be bludgeoned for doing so; and strong efforts have been made and are being made to keep him out altogether.

If ever a country had a nondescript status, it is the Philippine Islands. It is not a territory; it has not dominion status; it is not self-governing. Apparently it is only a "possession." The Filipinos are simply our "wards." Even the Commissioners from the Philippine Islands have a peculiar status. The Commissioner from Porto Rico may introduce bills in Congress and have them enacted into laws; but the Commissioners from the Philippines have no such rights. Must not these Filipino men feel that they are merely "Commissioners" representing "wards" in our Philippine "possessions"?

NATIONALITY AND CULTURE

The group that constitutes, or thinks it constitutes, a cultural entity has nationality and nationalism. The Filipinos constitute such a nationality. They have an ancient culture that antedates the coming of the Spaniard. They added the Spaniards' culture to their own, and then for 30 years they absorbed both the good and the bad of our own American culture. It is the fear, however, that they shall absorb more of the bad than the good of our western culture that makes them demand a separate national existence. They do not want our kidnaping, our gangland, our divorces, our bootlegging, our political graft, our economic failures.

NATIONALITY AND LANGUAGE

The language factor is one of the most obvious elements of national unity. Has a people anything dearer than the speech of its fathers? In its speech resides its whole thought domain, its traditions, history, religion, and basis of life, all its heart and soul. "To deprive a people of its speech," says Herder, "is to deprive it of its one eternal good." Militaristic nations have not hesitated to destroy the language of subject peoples, impose their own, and then deny them self-government on the ground that they have no national language. This imposition of the conqueror's language has not created a community of thought and sympathy. The Irish speak English, but they have not become Englishmen in sympathy. The Italians have taught their language to the Tyrolese, have forbidden anything but Italian signs, yet the Tyrolese hate and despise the Italians. This effort to destroy another people's language is giving strength to the nationalistic movements of subject nations everywhere. Gandhi deplores it in India: "The strain of receiving instruction through a foreign medium is intolerable. * * * For this reason our graduates are mostly without stamina, weak, devoid of energy, diseased, and mere imitators."

In the Philippine Islands we have imposed our language. For 30 years the children have been learning English in the public schools. English is rapidly becoming their common language. One of the threadbare objections to granting the Filipinos their desired independence has been the propaganda of "no common language." This monster has been hit on the head by no less authority than W. Cameron Forbes, former Governor General of the islands:

Those who question Philippine capacity should look for arguments against it in other directions than that of language or tribal division.

NATIONALITY AND RELIGION

In addition to the linguistic amalgam, the people of the Philippines have a religious unity, for 92 per cent of the population is classified as Christian; only 4 per cent is Mohammedan.

NATIONALITY AND RACE

The Filipinos have been told that they are not ready for independence because they are not homogeneous and lack racial unity. Even D. R. Williams, an opponent of independence, admits that "the real Filipino, the Malay, comprises 90 per cent of the population." If, therefore, the "deepest thing about a man is his race," the people of the Philippines are 90 per cent of the best national cement. And, as former Governor General Forbes said, those who are looking for arguments against Filipino capacity for self-government will have to look in other directions than that of "tribal division" for objections.

NATIONALITY AND LOYALTY

Nationalism that springs from a decided nationality has been defined as a "passionate, undivided, unqualified loyalty to one's nation." It can not share that loyalty with any other. For this reason imperialism is creating a conflict of loyalties between one's own homeland and imposed sovereign or dominating power. It is difficult for the brown men, the yellow men, and the black men to understand why nationalism, patriotism, liberty are so good for the white man and so bad for them. The young nationals of England, France, Germany, and the United States are called "patriots." But in the Philippines, in India, Ireland, Korea they are labeled only "half-baked students." Their Jeffersons, Lincolns, Washingtons are "self-seeking politicians." If a George Washington rises in the white man's land to lead his people to freedom from a foreign yoke, he is honored with a bicentennial. If an Aguinaldo rises to free his country from alien rule, he is hunted like a common bandit and trapped by a questionable ruse. A Gandhi is clapped into jail. It is this attitude, says Elihu Root, that leads to war—this "contemptuous treatment," "bad manners, arrogant and provincial assertion of superiority on the part of the people of one nation toward those of another."

Recently Commissioner OSIAS was invited to address an American parent-teacher association. At the opening of the program the audience rose and sang "My country 'tis of thee, sweet land of liberty." And then they saluted the Stars and Stripes. When the Commissioner rose to speak, he said that he had been greatly impressed with the spirit of the song and the salute, and he could not help feeling a pang in his breast that he and his people can not sing with the same fervor, "My country 'tis of thee, sweet land of liberty," because theirs is not a land of the free, is not a land of liberty. They can not salute their flag as a free flag; it is a subject flag. They have no way of definitely determining what kind of loyalty or what kind of citizenship should be inculcated among the Filipinos. They can not teach their children the full duties of citizenship because they must always remember that theirs is a subject people, a subject citizenship. Could any American fail to appreciate the truth of the Commissioner's statement that on his country and on his people we have imposed this anomalous and humiliating condition?

INCREASING NATIONALISM

How long do we expect these intelligent, proud, liberty-loving people to submit patiently to this humiliation? How much longer will they be able to hold in check their own tempestuous and racial passions? "Nationalism in the Philippines," says a Filipino statesmen, "is no political watchword. * * * It is real; it was there when the Filipinos fought Spain; it was there when they resisted the implantation of American sovereignty over their country. And, instead of being checked, Philippine nationalism has been fostered by the United States when you assured them through President Taft that the Philippines are for the Filipinos, when your Congress assured them that they would be granted independence." Nationalism is in America and in Europe and in the Orient a rising power. It is unthinkable that this power, this world obsession—nationalism—shall continue to grow in the United States, in Great Britain, in Japan, in Germany, and not become more determined and more volatile in the Philippine Islands, in India, in Korea.

THE OUTCOME

What, then, must be the outcome? One shudders to think what is likely to be the outcome if imperialistic white man's nations persist in their contemptuous and arrogant treatment and "provincial assertion of superiority." We already see the mills of Great Britain practically still because of India's nationalism. We already see the riots and bloodshed in India and the unpleasant prospect of general slaughter. We have already had one war with the people of the Philippine Islands—one of the bloodiest wars in history. Let us not so act now that we shall visit upon our children and the children of the Philippines another bloody contest. For the sake of our own nationalism, if for no higher motive, let us respect theirs. But we have a higher motive—we have our national honor. We have definitely promised them independence. Let us now make good that promise in accordance with the wishes of the people of the Philippines, while they are still our friends. To-day, Commissioner Guevara pleads for a continuance of this friendship:

I ask you that the Filipino people be given independence, to the end that my people may be happy, helpful to the world, ever grateful to the United States, and champions of the eternal principles of justice for all peoples.

To-day, we who honor the Father of our Country because his name symbolizes that which is noblest in our national history, aspirations, and struggles—to live our own national life, independent and free—must make answer to the people of the Philippines who now ask us for the same God-given right. What shall we say to them? There has been, there is now, and there can be, but one answer—as we once would that others do unto us, so do we now unto you.

THE CRISIS CONFRONTING OUR FARMERS

Mr. SELVIG. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SELVIG. Mr. Speaker, we face a national emergency in the deplorable condition which exists among the farmers of our country to-day. I do not at this time desire to go into the matter in detail. The Members from the agricultural districts have knowledge of the facts, but I desire to state that our Government must take cognizance of the crisis which confronts our farmers. Devastating results will follow if prompt remedial measures are not enacted.

Among the many letters received from my constituents bearing on the acute depression among the farmers I wish to call especial attention to one received this morning from Mr. A. M. Dunton, a farmer living near Bagley, in my district. This letter strikes at the heart of the problem.

I read:

BAGLEY, MINN., *March 28, 1932.*

Hon. C. G. SELVIG,
Congressman from Minnesota, Washington, D. C.

DEAR MR. SELVIG: Everyone is watching closely the record being made by the present Congress. Everyone with whom I have talked feels that the immense sums of money being loaned to the railroads, banks, home-loan associations, etc., is as unrelated to our actual needs as were the huge loans made to England, France, Germany, etc., for reconstruction purposes.

It may have been necessary to bolster up these institutions temporarily in order to prevent matters becoming worse, but it is difficult to see how extension of credit without establishing conditions which will warrant its extension or its use is going to benefit matters.

In my opinion there are only three things which Congress can do: (1) Reduce the rate of interest; (2) lower taxes; (3) depreciate the value of money.

At the present time I need roofing, cement, paint, and fencing, etc., in order to repair my buildings and keep the farm in shape. But at the present time my interest, taxes, and other necessary expense takes every cent I can get hold of. If my taxes and interest were cut in half, that saving would be available for these purposes.

When hundreds of thousands of farmers in the same position go into the market for roofing, cement, paint, fencing, etc., that will give employment to labor, traffic for the railroads, etc.

When one stops to consider the total indebtedness of individuals, corporations, and municipalities, it is evident that this debt can never be paid with dollars of the present value. Creditors must accept a cheaper dollar in settlement or there must come a total repudiation of all debts.

These three propositions are fundamental and are the only basis upon which a new and permanent prosperity can be based.

I note with pleasure the increases in the income and inheritance taxes, and the defeat of the sales tax. Nothing would do more to overcome the intense dissatisfaction in this country as the passage of inheritance taxes so high as to prevent the accumulation of these huge unearned fortunes and their further continued existence and would restore to the people the wealth that rightfully belongs to them.

I note in the report of Woodrow Wilson's Commission on Industrial Relations that not more than $1,000,000 be allowed to pass to the heirs. Since the President of the United States' salary is $75,000, why should any person be allowed an income of over $1,000,000 a year?

Can nothing be done to stop this wholesale foreclosure of farms? Better a complete catastrophe than this cruel, helpless, hopeless dropping out, one by one? Can you suggest any possible form of organization by the farmers that will stay this destruction until some adjustment can be made? Have human beings no rights that the money powers can be forced to respect?

Sincerely yours,

A. M. DUNTON.

The Members of Congress must realize that a crisis impends. There is need for a bipartisan program of relief for the farmers. We have passed the bipartisan tax bill. It was necessary to do this. Congress heeded the call to pass other bipartisan measures advanced under the plea of national loyalty to American institutions.

In my opinion, we have yet to face and to remedy the greatest of our problems, that of rehabilitating our farmers. Unless this is done the efforts to bolster business, the banks, the railroads and in balancing the Budget will be of no avail.

Alexander Hamilton once said:

They ought not to wait the event to know what measures to take, but the measures which they have taken ought to produce the event.

The events which must be produced are the continuance of opportunity for employment, the placing of farm prices on a profitable level, and the return of prosperity.

Instead, our country has fallen headlong into an unwarranted depression. Up to the present time the fundamental measures to remedy our condition have not been undertaken.

If I understand Hamilton's philosophy correctly, he would have struck to avert this onslaught of the ravages of the depression. At the appearance of the first signs of financial distress he would have formulated quickly and surely the blows "to produce the event," that is, to create the conditions necessary and essential for a continuance of economic stability and prosperity.

In the light of present-day facts, it is absolutely necessary to deal constructively with agriculture. Our country must provide the only stable foundation possible for creating jobs, increasing consumption, and promoting general well-being, which is to place agriculture on a paying basis.

The foundation must be made secure. Nothing else will suffice.

KUNZ *v.* GRANATA

Mr. KERR. Mr. Speaker, I call up a privileged report from the Committee on Elections No. 3.

The SPEAKER. The gentleman from North Carolina calls up a privileged report, and, without objection, the Clerk will read the resolution.

The Clerk read as follows:

Resolved, That Peter C. Granata was not elected as Representative in the Seventy-second Congress from the eighth congressional district in the State of Illinois and is not entitled to the seat as such Representative; and

Resolved, That Stanley H. Kunz was elected a Representative in the Seventy-second Congress from the eighth congressional district in the State of Illinois and is entitled to his seat as such Representative.

Mr. SNELL. Mr. Speaker, will the gentleman from North Carolina [Mr. KERR] yield to me for a question?

Mr. KERR. Yes.

Mr. SNELL. I would like to see if we could make an agreement relative to time for the discussion of this resolution. It has been suggested that we have only one hour on each side. We feel over here that that would not be sufficient time for us to place our position in regard to this matter before the House, and we would like to have two hours on this side.

Mr. KERR. In reply to my friend I may say that I had an agreement with the gentleman from Massachusetts [Mr. GIFFORD], who filed the minority report in this matter, and who agreed that three hours, or an hour and a half on the side, would be enough; one hour and a half to be controlled by the gentleman from Massachusetts [Mr. GIFFORD] and one hour and a half by myself.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that debate be limited to three hours, one-half to be controlled by himself and one-half by the ranking minority member of the committee. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object in order that the gentleman from Massachusetts may ask a question.

Mr. GIFFORD. Mr. Speaker, I wish to say that the statement of the gentleman from North Carolina is correct. We did come to a sort of understanding that we might get along with one hour and a half on each side, but I find on this side of the House there are many who desire to speak. There are many issues involved here, and I think the gentleman ought to be willing to allow two hours on the side, and I sincerely hope the gentleman will.

Mr. SNELL. I may say to the gentleman from North Carolina that we have never unreasonably limited discussion in an election case. This is the most important matter that comes before the House—the right of an individual Member to a seat—and we feel there should be a reasonable time for discussion.

Mr. KERR. Mr. Speaker, I am willing to consent to that, and ask that the debate be limited to four hours.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that general debate be limited to four hours, one-half to be controlled by himself and one-half by the gentleman from Massachusetts; and at the end of that time the previous question shall be considered as ordered. Is there objection?

There was no objection.

Mr. KERR. Mr. Speaker, I ask unanimous consent that at the close of the debate the gentleman from Iowa [Mr. CAMPBELL] may offer a substitute resolution for the one that has been read.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that at the close of debate the gentleman from Iowa [Mr. CAMPBELL] may be permitted to offer a substitute resolution. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object—and I do not know that I shall object—I want to make this statement to the House. We intend to attempt to have the resolution divided. There are two substantive propositions involved, and we intend to ask for a division and a separate vote on each one. I would not want this unanimous-consent request to do away with that proposition.

The SPEAKER. The Chair does not know what the substitute is, and therefore can not give the gentleman any information.

Mr. CAMPBELL of Iowa. Mr. Speaker, the substitute that I shall offer is a substitute to recommit for the purpose of getting into the ballot boxes; and I would like to ask the gentleman from North Carolina if it would not be possible to include in this request that has been made to the House that I be allowed 15 minutes in which to present my substitute.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, of course, I do not know what is in the minds of my colleagues on the Democratic side, but this is a very unusual request to be made in connection with a contested-election case. Of course, I am not going to interpose my judgment against that of the gentleman from North Carolina [Mr. KERR] and his associates on this proposition, but I do suggest that it is certainly an unprecedented and very unusual issue to inject into a contested-election case on the floor of the House.

Mr. SNELL. I do not yet understand the object of it. I have never heard of a unanimous-consent request of this kind being made.

Mr. O'CONNOR. Mr. Speaker, reserving the right to object, in the report there are two resolutions, the resolution just read and another resolution on page 19, which is the one that is usually substituted. That resolution does not ask for any recommittal of the contest to the committee. It says, "*Resolved*, That Peter C. Granata was elected," and so forth.

My recollection is that the substitute resolution is offered at the beginning and both resolutions debated.

Mr. GIFFORD. Reserving the right to object, that seems to be the usual procedure, and I expect the minority side to offer the resolution, and with that a motion to recommit the whole matter might be in order at any time, and that would not remove from me an opportunity and the right to offer a motion to substitute my resolution for the majority motion at the proper time.

Mr. SNELL. When does the Speaker think would be the proper time to make a motion to recommit?

Mr. CAMPBELL of Iowa. Mr. Speaker, I wish to call the attention of the Speaker of the House to the case of Rinaker against Downing, and that is the procedure that I have adopted. At that time there was a majority and minority report. The minority report sent it back, recommitted it, for the purpose of obtaining the ballots and receiving additional evidence. I feel that the resolution that I will offer to recommit should come after the two resolutions that have been presented by the majority and minority. That was the arrangement I had with the chairman of our committee.

Mr. MICHENER. Mr. Speaker, what effect would the unanimous-consent request, with the previous question ordered, have on this proposed substitute?

The SPEAKER. There would be nothing in order except the resolution before the House.

Mr. MICHENER. Precisely. The unanimous request propounded by the gentleman from North Carolina was not the one the Speaker submitted—the Chair included that the previous question should be considered as ordered. If that is done, that would prevent the accomplishment of what the chairman of the committee and the gentleman from Iowa have obviously agreed to.

The SPEAKER. The Chair thought that in view of the fact that the majority side of the House had granted four hours of general debate that at least the previous question should be ordered, and the Chair put it in that way—in order to protect the House.

Mr. GIFFORD. I agreed, so far as I was concerned, that the gentleman from Iowa should have an opportunity to offer a motion to recommit. I did not believe that would interfere with the question before the House. If he offers a motion to recommit and it fails, the vote comes on the motion of the gentleman from North Carolina, and I should have the privilege of offering the minority substitute.

The SPEAKER. Does the Chair understand it is the desire of the Election Committee that the gentleman from Iowa have permission to make a motion to recommit?

Mr. KERR. It was.

The SPEAKER. Is it the desire at the present time?

Mr. KERR. It is.

The SPEAKER. Without objection, the previous question will be ordered on the motion, and the motion to recommit. Is there objection?

Mr. ESTEP. Mr. Speaker, the resolution has been offered by the majority, and I would like to know whether this is not the proper time for the minority to offer their resolution as a substitute, and debate will be had on both resolutions?

The SPEAKER. If the previous question had not been ordered it would be, but the previous question has been ordered, and there are to be four hours' debate upon the resolution.

Mr. SNELL. Mr. Speaker, we did not understand that if the previous question was ordered we could not offer a substitute motion.

The SPEAKER. The Chair is somewhat to blame, and he is trying to undo it by asking unanimous consent that the previous question may be ordered upon the motion to recommit as well as the resolutions.

Mr. SNELL. I want to have included in that, so that there will be no mistake, that the gentleman from Massachusetts has the right to offer his substitute to the committee resolution. Then we will have no objection to the motion.

The SPEAKER. Without objection, the proposed substitute will be reported by the Clerk.

The Clerk read as follows:

Resolved, That Peter C. Granata was elected a Representative to the Seventy-second Congress from the eighth congressional district of the State of Illinois.

The SPEAKER. Is there objection to the request that the previous question shall be considered as ordered on the motion to recommit as well as the resolutions?

There was no objection.

Mr. KERR. Mr. Speaker, I hope the Members of the House will indulge me for a few minutes while I endeavor to state the position of the majority members of the committee in respect to this contest. It is needless for me to say that we have come face to face again in the matter of this kind with the wisdom and the foresight of the men who wrote the Constitution of the country. It is always important, of course, who should represent 250,000 people in the Congress of the United States, but there is another factor which enters into this matter to-day which is equally important, and that is that we should vouchsafe to the electorate of this country in this republican form of government the privilege to vote as it pleases, and that we should further vouchsafe to them the right to have the ballots counted and to have a proper return of that count. Unless we do that it is self-evident that under this form of government we sink a shaft into the soul of this Republic, and so when these controversies arise we realize that it was wise in those who made the Constitution that they gave the Congress of the United States the sole right to determine the eligibility of a person to sit in this Congress, and to also determine whether or not he was properly and legally elected.

At the election held in November, 1930, the last general election, in the eighth district of the State of Illinois the people of that district voted for two men for Representative, Mr. Stanley H. Kunz and Mr. Peter P. Granata. Immediately after that election, and immediately after the tally sheets were checked in respect to the election, the canvassing board reported that Granata had received 1,366 majority. Mr. Kunz filed a petition before the canvassing board in which he alleged certain irregularities, and on the 20th day of November following, the canvassing board, which was constituted by the election commissioners of the city of Chicago and by the judge of the county court in Chicago, met, and after making certain corrections, determined that the majority which Mr. Granata had received was 1,171 votes. They evidently found there were some mistakes or some fraud incident to the first tabulation of the count.

On December 2 this report of the canvassing board in the city of Chicago was certified to the secretary of state of the State of Illinois, and the secretary of state very properly issued a certificate of election declaring Granata was elected Representative from the eighth congressional district. On the 9th of December following, in the first petition filed by the contestant with the canvassing board, he alleged that in 13 election precincts in the several wards in the congressional district he had received 1,285 votes less than the other Democratic candidates upon the ticket in that election in Illinois. Although he made other allegations, that was principally the ground upon which he made his petition for a correction of the vote, and he petitioned afterwards for a recount and a contest. After these votes were cast and tallied under this Australian ballot law under which the vote was taken, it was necessary, first, to compute the number of straight votes for the Democratic candidate and the number of straight votes for the Republican candidate. There was no other way to do, and there was no reason why any mistake should have been made about it. A straight Democratic vote or a straight Republican vote was a vote that was voted for every candidate on the Democratic ticket and every candidate on the Republican ticket. I call attention to 13 of these precincts. In ward 25, precinct 1, the straight Democratic vote was 62. Mr. Kunz was given only 12. In ward 26, precinct 1, the straight Democratic vote cast for every other candidate on the Democratic ticket was 121, and Mr. Kunz was given only 78. In the second precinct of ward 27 the straight Democratic vote was 138, and Mr. Kunz was given only 23.

In the twenty-seventh ward at the tenth precinct the straight Democratic vote was 316, and Mr. Kunz was given 5, and so on, gentlemen, down the line for 11 precincts that have been culled out, and on which Mr. Kunz bases his motion and petition for a recount and on which he bases his contention in this contest to-day. In those 11 precincts it is shown that Kunz was deprived of 1,285 votes.

It is contended by the minority, gentlemen, that there was not sufficient evidence for Kunz to bring this contest. The majority of your committee thought otherwise, because, evidently, there are 11 precincts where Kunz was deprived of enough votes to overcome the majority of the contestee.

I think this House wants some explanation of that. I think this House ought to have some explanation of it, and I think this House would be unwilling to let the contestee prevail in this contest when it was clearly shown that in many of these precincts the contestant was not given the straight Democratic vote. So, gentlemen, we insist and contend that this evidence within itself, per se, was sufficient for the contestant to bring a contest and ask that these votes be counted and the ballot boxes opened to determine who was right, whether the election officer was right or whether he was wrong. He had evidently made a return that was entirely incompatible with the law and an impossibility.

So, gentlemen, following the statutes, which it is not necessary for me to read to you, Kunz, contestant, on the 9th day of December, filed a petition and filed a notice of contest alleging many irregularities, alleging many frauds, and alleging the condition which I have recited to you in these 12 precincts.

Any good lawyer knows that is sufficient evidence to open up the question of fraud, and any good lawyer knows, further, that the only way to determine whether or not there was fraud was to go into the ballot boxes, look at the ballots, and count them.

So, gentlemen, on the 9th day of December Kunz filed a petition and notice of contest. Within 30 days thereafter the contestee made his answer. He took all the time that the law would allow him. Before I sit down I will call your attention to the fact that this case has been continued and continued for more than nine months through the tactics of the contestee and his attorney.

At the first retabulation, the canvassing board had no right to recount; I call your attention to this fact, that under the law the canvassing board can not recount. The canvassing board can only check the tally sheets and see if they are correct. That is as far as it can go.

Following the rules of the House, gentlemen, on the twenty-first day after the filing of the answer by the contestee in respect to this case, and following the rules laid down by the Revised Statutes, which were passed just for conditions of this kind and were passed in order that this House might have a representative to take evidence in a case; on the 21st day of January the contestant appointed as notary public to take evidence, Edward H. Hoffman. I wish you gentlemen had time to read the record in this case. I do not think I ever read after a man who showed more patience and who was more desirous of getting at the facts in the case than Hoffman was. I read you section 110 of the Revised Statutes of the United States, which gave Mr. Kunz, the contestant, the right to designate this man Hoffman as his notary to take this evidence.

SEC. 110. When any contestant or returned Member is desirous of obtaining testimony respecting a contested election, he may apply for a subpœna to either of the following officers who may reside within the congressional district in which the election to be contested was held:

First. Any judge of any court of the United States.

Second. Any chancellor, judge, or justice of a court of record of any State.

Third. Any mayor, recorder, or intendent of any town or city.

Fourth. Any register in bankruptcy or notary public.

Let me say to you, gentlemen, that in all the history of these contests nobody has ever been designated to take evidence except a notary public. It is contended by the minority members of this committee, gentlemen, that the notary public did not have authority to take this evidence. It is seriously contended he did not have that authority.

Here is one of the best-considered cases that has ever been before this House, and I think the best opinion that was ever written in one of them. It was in the Rinaker-Downing case. It is cited in the briefs of both the contestee and the contestant, and it is used by both as authority for their position. I want to read to you, gentlemen, a paragraph or two from this case to show you that it was clearly within the right of the notary public to take this evidence and that he was a Representative of this House.

I want you to remember this: Here was an agent of this Congress constituted by the law of this land to take this evidence, and nobody else could take it.

When any contestant or returned Member is desirous of obtaining testimony respecting a contested election he may select a notary public. And then section 111 says:

The officer to whom the application authorized by the preceding section is made (the notary public) shall thereupon issue his writ of subpœna directed to all such witnesses as shall be named to him requiring their attendance before him at some time and place named in the subpœna, in order to be examined respecting the contested election.

Then section 123 provides—listen to this, gentlemen:

The officer shall have power to require the production of papers; and on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver certified or sworn copies of the same, in case they may be official papers, such person shall be liable to all the penalties prescribed in section 116 (of the Revised Statutes). All papers thus produced and all certified or sworn copies of official papers shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives.

This is what the distinguished gentleman who wrote this opinion thought of this, and this is accepted law, not only in this House but out of this House, and in the State of Illinois, in respect to the authority of the notary public to count the ballots and take all the evidence incident to the case.

Mr. GIFFORD. Will the gentleman yield?

Mr. KERR. I yield.

Mr. GIFFORD. I simply want to suggest that the minority has not objected to that statement of the gentleman about the bringing of papers.

Mr. KERR. Not at all. Of course, the gentleman has not objected. It is the plain mandate of the law.

Mr. GIFFORD. If the gentleman will permit me to go further, we did object, simply, that the ballots were papers.

Mr. KERR. I understand. The gentleman contends that "papers" did not include ballots.

Mr. GIFFORD. Exactly.

Mr. KERR (reading):

The notice of contest is required to be served within 30 days after the result of the election shall have been legally determined. The answer to such notice must be made within 30 days.

There is no question about the notice and the answer. They were properly in. I called your attention, gentlemen, to the fact that the contestee pursued his dilatory tactics—under the advice, doubtless, of his lawyer—and took all the time he could to answer; but the answer was made within the time, just as the petition and the notice were served within the time.

I want you gentlemen to hear this law, because the minority in the committee are insisting that the notary public did not have authority to take this evidence and count these ballots, and you have heard one Member—who, however, did not sign the minority report—insisting upon his right now to have this matter resubmitted and to have this House authorize some agent of the House to count these ballots again.

With that point in mind, listen to this:

The contestee by his bill in chancery seeking the injunction—

This was a case very much like ours, in which, when the notary public was appointed in the Rinaker-Downing case, these ballots were held up by an order of the court, just as they were in this case. In the Rinaker-Downing case they were not held up very long, but in the Kunz-Granata case, gentlemen, they were held up nine months and one day by the court. The whole procedure was in the lap of the court in custodia legis.

The contestee by his bill in chancery seeking the injunction, by direct language, insists upon such a construction of the statute of Illinois—

They were attempting to construe the statute of Illinois to defeat the plain mandate and statute of the United States, and I want you gentlemen to hear this—

restraining the opening and counting of the ballots as shall bring that statute in direct conflict with the statute of the United States—

That is what they were insisting upon—

and which latter statute plainly and clearly gives to both parties to an election contest over the seat of a Member of the House of Representatives the right to select any one of the officers mentioned—

And I read the law to you in the Federal statutes—

before whom to take the testimony and clothes that officer when so selected with the full power to require the production of any paper or papers pertaining to the election or to produce and deliver up certified or sworn copies of the same in case they may be official papers.

In view of the plenary and clear terms of the Federal statute, it is the opinion of the undersigned that the statute of Illinois should be construed to mean that where the ballots cast at any election for Member of the House of Representatives are called for by a subpœna duces tecum issued by a notary public, selected under sections 110, 111, and 123 of the act of Congress regulating the contests of seats in the House of Representatives, the notary so selected fully represents the House of Representatives—

The notary public is the agent of this House, constituted with all the authority this House can delegate to him to take the evidence in the case, including the counting of the ballots and—

to him is delegated the power of procuring and reducing to written form such evidence as the ballots may contain so as to comply with the obvious intention of the State statute, inasmuch as it is obviously impossible for the ballots in a contested-election case in the House of Representatives to be opened "in open session of such body, and in the presence of the officer having custody thereof."

The powers conferred by the Federal statute upon the notary public, or officers mentioned, to call for and enforce the production of all the papers pertaining to the election are full and complete and render such officer to that extent a "body trying such contest" to the extent of his obtaining and recording the evidence in the case. That is plainly and clearly the meaning and effect of the act of Congress, and the State statute should be construed as to be in harmony rather than in conflict therewith.

To construe the State statute so as to prohibit the notary or other officers taking the testimony in a congressional-election contest from obtaining the evidence contained in the ballots would be to give the State statute the effect of repealing or nullifying the Federal law regulating congressional election contests. Congress has the power to regulate the taking of testimony in case of a contest of the election of any Member of the House of Representatives. That power has been exercised by the enactment of the statute above quoted, and when in conflict with its provisions all conflicting State statutes or decisions, to the extent to which they do conflict, must be held to be nugatory and void.

In other words, gentlemen, there can be no doubt in the mind of any lawyer that he was vested with full authority under the law to take the ballot box and make a report of the facts they found.

In the first place, it was necessary in order that this irregularity or these frauds, which were palpable, might be adjudicated and determined and, if necessary, to go into the ballot box and see whether Kunz got straight votes or whether he did not. You know very well it was not a straight vote unless Kunz got it.

Now, I want to call attention that when the officer of this House designated by Kunz had gone into the ballot boxes, Granata, after they had been investigating three or four days, put in an officer, a notary public. There was not a second during the controversy, after the matter came up before six judges, and before one judge 12 or 15 times—there was not a single minute but that Mr. Granata appeared by notary public and his lawyer, and himself on many occasions, to see that the ballots were counted properly.

The members of the minority contend that this was not a correct count. This is the only count that the agent of this House has set up here. He had authority to do it under this statute, and he had the right to make the count and make the returns on it.

This count, when the ballot box was opened, was made and returned by Mr. Hoffman, but that in no sense precluded Euzzino, the notary public selected by Mr. Granata, to also take evidence and make his return to you here. The only conclusion is that Hoffman made a correct count, and Euzzino did not think it was necessary to make any return, because he did not make any return.

So after the ballot boxes were opened, after nine months of contest in the courts of Illinois, that count showed that Mr. Kunz had received a majority of 1,288 votes.

Each ballot box was opened in the presence of not only the notary who sent the report to this House but they were opened in the presence of Granata's notary, who had a right to send his report here, but did not do it. The report shows, as I have said, that Mr. Kunz received a majority of 1,288 votes.

Mr. NELSON of Wisconsin. Were the ballots with Mr. Kunz's name on it the regular ticket?

Mr. KERR. Yes. I call attention to the fact that Kunz's majority, as afterwards returned, was about the number he lost in the precincts heretofore referred to.

Mr. CHIPERFIELD. Will the gentleman yield?

Mr. KERR. I will.

Mr. CHIPERFIELD. Was the majority made apparent from the recount of the ballots?

Mr. KERR. It was—a recount made in the presence of Mr. Granata and, furthermore, a recount made in the presence of his notary, who was there at all times.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. KERR. Yes.

Mr. SCHAFER. Does the majority of the gentleman's committee take the position that an Election Committee of Congress or a notary acting for Congress should open up and count ballots in an election contest on no stronger evidence than an allegation that a candidate ran behind his ticket?

Mr. KERR. There is no such allegation as that. A majority of the Elections Committee thinks that when it is apparent that in 11 precincts the contestant has received 1,285 votes less than the other Democratic candidates it should be done.

Mr. SCHAFER. Then, the position of the committee is that an Elections Committee of the House should follow the precedent of counting the ballots either by an Elections Committee or by a notary, as the gentleman said, on no stronger evidence than an allegation that a candidate ran behind his ticket. That is a terrible precedent to set, in my judgment.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. KERR. Yes.

Mr. McCORMACK. Do I understand that every one of these ballots were retabulated?

Mr. KERR. Every precinct box was opened and retabulated in the recount.

Mr. McCORMACK. And after the retabulation the representatives of the sitting Member were present and had an opportunity to protest or enter in the record any irregularities?

Mr. KERR. They were there all of the time, with not less than three there at any time, and it was done in the presence of his own notary.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. KERR. Yes.

Mr. COX. I notice in the report of the gentleman's committee that the total vote in the first count was 31,859, and in the second count it is 31,402, a difference of 457 votes. Is there any explanation made to your committee in respect to that discrepancy?

Mr. KERR. Yes; that discrepancy was due to the fact that in this keen contest as to who got this or that vote a great many votes were contested as doubtful and counted for neither one.

Mr. COX. Another thing I would like to question the gentleman about is if any explanation was made to his committee as to why the contestant abandoned certain grounds of his contest. In other words, in the original contest as filed he predicated his claim upon the allegation that gunmen and a lawless element took charge of the election.

Mr. KERR. The gentleman is a good enough lawyer to know that these things that are always controversial sometimes are left out of a case. The proper thing to do, as the contestant did here, was to insist on those things that were palpably wrong being righted.

Mr. COX. That was the allegation, however, and it occurred to me that maybe in the hearings of the gentleman's committee some explanation was given as to why those grounds were abandoned.

Mr. MILLARD. Mr. Speaker, will the gentleman yield?

Mr. KERR. Not now. I want to call attention to this matter now and give you the reason why evidence was not taken in this case sooner. Immediately after Kunz signed his notice of contest the attorney for the contestee, appearing for him and other contestants in this election, got an impounding order from the county judge of the city of Chicago, and when these officers prepared to count the ballots they were faced with the statement of Mr. Tyrrell, who represented Mr. Granata, that he had the ballots impounded. It took from the 23d day of January to the 11th day of September before the contestant could ever get into the ballot boxes and count the votes and see who did have a majority. There were 32 continuances. This matter was brought up by the contestant before six judges in the city of Chicago, and five out of six of those judges held that the contestant was entitled under the law to count the ballots and dismissed time and time again proceedings which were instituted with the endeavor to keep the ballot boxes out of the hands of this Congress and its representatives. I have not time to discuss that, but gentleman who will follow me will do so.

Our friends object to this House receiving this count as final because they say that the integrity of the ballots was not preserved. I make this comment in passing, that the election laws of the State of Illinois are very good. They

will convince anyone that unless there is some design and purpose to commit a fraud it is hard not to have a fair election. When these ballots were cast they were put in charge of Mr. Rusch, who was the clerk of the elections commissioners in the city of Chicago. It is quite evident that Mr. Rusch is a man of fine sensibilities and fine character. When these ballot boxes were opened Mr. Rusch was called before the committee to test the integrity of them. The minority can not insist with any sort of reason that these ballot boxes were not kept intact and that the integrity of them was not vouched for by Mr. Rusch. Mr. Lavery, who was the attorney for the contestant, said to Mr. Rusch, who was the witness:

Will you state whether as custodian of the ballot boxes and chief clerk of the election commissioners you have kept and preserved these precincts other than six in the same condition as they were when you received them as such official the night of the election.

Six of these ballot boxes had been taken out by the court and looked into by the court in respect to a judicial contest.

Mr. Rusch said:

Yes.

Q. And where have these ballot boxes other than the six been kept by you as such official?—A. On the third-and-a-half floor.

Q. Have any of these precincts other than the six been removed from the box where they were kept since the election of November 4 until this day?—A. No, sir.

Q. Not one of the ballot boxes?—A. No, sir.

Mr. HORR. Will the gentleman answer a question now, because if he does not it will never be answered? On page 11 of your report I call attention to the fact that the gentleman's statement is wrong or your report is incorrect. It calls attention to the fact that at the original hearing Doctor Epstein brought out this fact, and I am quoting from your report:

Those ballots are not in the box, nor in an envelope, not tied with string, or sealed. We object on the grounds that the integrity of the ballots has not been preserved, and renew our objections made before that they are not protected, as required by law.

Going further, and I am reading from your report——

Mr. KERR. The gentleman is reading from the minority report, not my report.

Mr. HORR. It is taken from the direct report, the report of the original hearing.

You have produced a large bundle of official candidate ballots in the nineteenth precinct, twenty-seventh ward, which are loose and not wired; where did you get these ballots from?

Mr. KERR. I can not yield further. I understand that Epstein objected and asked where these ballots came from.

Mr. HORR. And he said they were brought in without string and were absolutely loose.

Mr. KERR. But that was not Rusch's testimony?

Mr. HORR. That is in the record.

Mr. KERR. But here is the record of the man who had the ballots, which I have read to you. So far as Epstein is concerned, he was the professional objector of the contestee. He objected to every vote in every ballot box before it was opened.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield myself two additional minutes.

Now, gentlemen, in conclusion, we insist that there was evidence of deliberate fraud in this election. We insist that the only way to find out whether there was fraud or not was to go into the ballot boxes, and after nine long months the contestant in this case got into the ballot boxes, and when these ballots were counted, in the presence not only of Kunz's representative but of Granata's representatives, it was shown by the agent of this House, by the one who was authorized to act for the House, that Kunz had received 1,266 majority in this election.

Mr. SCHAFER. Will the gentleman yield for a question?

Mr. KERR. Yes.

Mr. SCHAFER. Has the gentleman found any precedent whatever to indicate where a so-called agent of this House, a notary public, ever counted ballots in an election contest?

Mr. KERR. I have found after long observation and industry that that is the only way a notary public can bring the evidence back to the House.

Mr. SCHAFER. Can the gentleman cite an election case in this House where a notary public issued subpœnas duces tecum and then counted the ballots?

Mr. KERR. Oh, yes. Does the gentleman want me to tell him?

Mr. SCHAFER. Yes.

Mr. KERR. In the cases cited by the minority in their report. In Gartenstein against Sabath; in Parillo against Kunz, and Rinaker against Downing.

Mr. DOWELL. The gentleman is mistaken about the Gartenstein-Sabath case. His statement is incorrect. It is just the opposite.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, I congratulate the chairman of this committee on the presentation of this case. It seems plainly evident that he was sincere in his own opinion.

This should not be a question of politics. It should be a question of orderly and proper procedure. If you seat Mr. Kunz to-day you will establish a precedent that will trouble all future Congresses and every Congressman who may hereafter ever be threatened with a contest. If any contestant wants to fight for your seat all that it will be necessary for him to do will be to appoint any certified notary public to act no matter who he may be, no matter what his character, no matter whether he be a political enemy of yours or not, as was shown to be the case in this instance, where the notary was the chairman of a precinct that was almost unanimously against Mr. Granata. Some one who would take orders absolutely from the attorney, so that when the time came to take testimony he took only such testimony he wished, namely ballots. Think of it! Under such precedent any contestant could select his own notary public and demand the ballots, have a recount, and, if you please, have a "mob recount." This was a mob recount in every sense of the word. Anyone can read this record and find that it speaks for itself. It is the worst by far that has ever been presented to any Congress. Ask your clerk, who has been here for many, many years. He tried to pick out of this record the proper portion to print, but it was finally determined to put it all in the record. They even have in the record the canvassing board's return. That is no place for it, but they are basing their argument on the canvassing board's return.

For many years we have tried to have orderly procedure in this House, and because we demanded orderly procedure, Mr. Kunz was previously seated here by a Republican Congress; Mr. SABATH, a Democrat, was seated by a Republican Congress; and in the Rinaker-Downing case, so constantly referred to, who got the injunction but our Mr. RAINEY? It was a very proper procedure. The court overruled that case and said these ballots ought to be given over, to be sure; that they were a part of the evidence, but the court did say, "But do it almost at your peril because this is a matter that the House of Representatives only will determine, and it can throw it all aside." It did.

While they have, as the gentleman from Wisconsin says, these two cases where the ballots were counted, once by agreement, this House determined that that was not the proper procedure, and it seated the other party.

All through this case our rules and our statutes have been constantly violated, and yet they are trying here to be excused from that. We say, "Give your notice in proper time to the contestee; do not surprise him; tell him everything which you expect or hope to prove; name to him all the witnesses you are going to call; and then give him 30 days to file his answer. Then you shall immediately begin to take the testimony, and you must take it in 90 days. Do not postpone it."

A Congressman is elected for only two years. If a special session were being held a contest ought to be promptly decided. Do not pay two salaries any longer than you can help, and live up to this rule.

The laws of 1851 and 1875 should be, and have been considered absolute, in spite of the fact that any Congress can change the law or can accept a different arrangement if it so pleases; but we have got to have some statute to go by, and we have got to have rules so we will know how to proceed, and the integrity of these statutes ought to be held up here to-day.

What a crime it would be if we overlook the present laches, in the light of what we have for so long been trying to do. I beg of you that you do not excuse them to-day. Why did the notary not take the testimony within the 90 days? Because Mr. Granata had impounded the ballots? No; that was done in another contest entirely. This Mr. Tyrell, the attorney for Mr. Granata, happened to be the same attorney in both, but it was an entirely different case in which the ballots were impounded. They went before Judge Jarecki many times, and he kept saying to them in effect, "Why don't you ask in a proper manner that this impounding order be modified?" They never did it; and when, finally, he did modify that order after these many, many months—six months—do you wonder that Mr. Granata did not seek to have those ballots again impounded? Would you, when you knew who the notary public was and that they were going to take no testimony—but simply wished to get hold of the ballots?

The ballots are the best evidence, they say. They are theoretically the best mute evidence, but they are the worst—by far the worst—when any opportunity has been given to let them be tampered with. On the day when the recount began they brought in these boxes and merely said, "Is that hemp string wound this way or that way; is it tied; is it sealed; and are those flaps pulled over, and are they sealed?" They thus tried to identify those boxes as they came in.

Read your record made by the contestant's own notary public. Box after box came in which looked as if it had been tampered with—not sealed, with flaps opened—so that any one could reach in and take out the ballots. Box after box came in in that way, and yet they say the ballots are the best evidence. I repeat, such is the case only when they have clearly not been tampered with. Would you not have demanded, if he was contesting your seat, that the ballot boxes must be securely tied and properly sealed with the flaps down? You would want to know, I am sure, that absolutely no opportunity had been given for them to be tampered with.

In one instance there were only 138 ballots in the box, and the question was asked, "Where are the others?" "Well, we do not know." "Can you not find them?" They finally found them somewhere in some warehouse.

Oh, such a record is absolutely ridiculous. They say that Mr. Granata had a notary, too. Yes; he came in a day or two after the hearings were supposed to be held, and the lawyer immediately stated that he was not there on the first day, so that he could not certify to any of the record and he would not recognize him. But he was there during the recount, and when I asked the attorney if Mr. Euzzino was a person of real character, upon whom you could depend, he said, "Yes," and paid him a very high tribute.

Then you should read Euzzino's story of the recount. This is not taking it up exactly as I would like to take it up, but please read the story of the notary public appointed by Granata and the treatment that he received during the recount. The record gives proof of what it was like.

At every session there was great milling about, boisterous arguments, with no semblance of order; no attempt to maintain it. They could not get close enough to the table to see how the ballots were being counted.

I can not read more to you, but the record discloses a terrible state of affairs.

Here a notary public was appointed to count ballots, but the State of Illinois says, "No; you shall not count any ballots except in the presence of the court itself." Of course, it was done by authorized agents, but here were 50 or 60 people—a regular mob. When they were told that the contestee wanted to see the ballots, as, of course, he had a right to do, they brought in a few boxes.

Now, this matter has been rushed through for some reason which is hard to understand. It is being heard a week before the primaries are to be held in Illinois. I can not understand why they have hurried so.

Ladies and gentlemen of the House, I have spent weeks on this matter, reading this record far into the night. If you read it you will find that they brought in the ballot boxes and laid them on the table. Ballots were counted in such a manner that anything could have been done to them.

Mr. PARKS. Will the gentleman yield?

Mr. GIFFORD. No; I can not yield now.

Mr. PARKS. I do not blame the gentleman.

Mr. GIFFORD. I regret that my voice does not serve me sometimes. I get too earnest. I did enjoy the work in the committee and I did follow the testimony in the committee.

Mr. TARVER. May I ask the gentleman a question for information?

Mr. GIFFORD. Yes.

Mr. TARVER. In view of the motion by the gentleman from Iowa [Mr. CAMPBELL], who is going to move to recommit the matter to the committee in order that there may be a recount by the committee, I want to inquire what possible benefit, in view of the statement the gentleman has made, that the record discloses of the condition of the ballot boxes—I want to ask whether any benefit would be derived by an attempt on the part of the committee to make a recount?

Mr. GIFFORD. I say I do not know. Last year, in the case of Mr. Wurzbach, when there was ample evidence taken at the proper time, and absolutely no need of a recount, at the request of the minority, they were sent back——

Mr. TARVER. But in that case there was no question, and here the gentleman says they were unsealed.

Mr. GIFFORD. I did not say that. The gentleman is putting the words into my mouth.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. BANKHEAD. In whose custody, ad interim, between the time of the contest and the final count, were these ballot boxes?

Mr. GIFFORD. They were supposed to be in the hands of the clerk, Mr. Rusch, but it is shown in that record that other people had access to them.

Mr. BANKHEAD. Were they in his custody?

Mr. GIFFORD. They were supposed to be.

Mr. DE PRIEST. They were in the custody of the election commissioners.

Mr. GIFFORD. I can not yield any further. Others will talk about these details. I said that I would try to present the issues in the case. No testimony was taken. They demanded the ballots. The contestee could also have demanded the ballots and had another recount, and then would they not have been in splendid condition to send to your committee to examine? That is all he could have done in taking testimony. So he rested his case by declaring that the whole thing has been illegal from beginning to end. They talk to you about the straight ballots. The records show that Senator LEWIS got a tremendous vote in the same precincts where Granata got a tremendous vote, and in very few instances were there any straight ballots. The record shows there were very many ballots in some precincts marked straight Democratic, but with a mark opposite the name of Mr. Granata, and that those were put in with the straight ballots and listed as straight Democratic ballots for the time being.

But that is a matter for the Illinois delegation to talk about, and not for me, but I do say that we should follow the laws of the State of Illinois when we can. Think of your judge saying, "Oh, yes; in the matter in Illinois they could only be counted in the presence of the court." Yes,

but it is good enough for the Congress to say that a Federal officer can appoint anybody, such as a notary public, and count them in that manner. There are many other issues. The important one to me is that the notary public should have had such enormous power as that delegated to him. It is unbelievable. You should also consider whether the ballots are "papers." The law says that they shall subpœna all of the "papers" and seal them and carefully send them all here. It is inconceivable that ballots may be considered as such, sealed and all sent by mail here to the Clerk of the House of Representatives. That is a matter for you lawyers to settle, and I am not going to take up time on that subject.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. MAY. Is it not a fact that a notary in the State of Illinois is a commissioned officer under bond and under constitutional oath?

Mr. GIFFORD. Yes; but he could be the chairman of a Republican precinct, and he could be one of the meanest election officers and one of the most prejudiced.

Mr. MAY. Could not a Member of Congress be the same?

Mr. GIFFORD. I suppose he could be mean if he wanted to, but he could not be elected.

Mr. SCHAFER. Did this notary public transmit the ballots to the gentleman's committee?

Mr. GIFFORD. No.

Mr. SCHAFER. If he is supposed to transmit to Congress all the "papers" and testimony, why did he not transmit the ballots if the ballots were "papers"?

Mr. GIFFORD. The point is well made. I shall close by saying that Mr. Kunz made plenty of allegations in his contest. He said that there were gunmen who took possession, that they were forced to write down a hundred votes here and a hundred votes there, and that money was spent freely, but on the day it came to take testimony never a word of that was said. Never was there a case presented where so many allegations were made, with no testimony whatever taken. It is utterly ridiculous. How can we stand for it? I can not think for one minute that you believe that a notary public should be our only agent and that he should recount the ballots and then refuse to let a committee of the House of Representatives look at them. A strange case indeed. [Applause on the Republican side.]

Mr. KERR. Mr. Speaker, I yield 20 minutes to the gentleman from Texas [Mr. WILLIAMS].

Mr. WILLIAMS of Texas. Mr. Speaker and gentlemen of the House, I first shall read the law governing the holding of elections in Illinois, and I shall follow that up by proving that the straight ballots as indicated by the chairman of the committee on the recount gave the contestant enough votes to have a majority to justify this House in seating him. I quote from the election law of the State of Illinois:

> The judges of election shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any, found folded inside of a ballot. And if the ballots and the poll lists still do not agree after such rejection, they shall reject as many of the ballots as may be necessary to make the ballots agree in number with the names entered on each of the poll lists—

In other words, before the judges are permitted to count the votes in the ballot box the number on the poll list must be the same as the ballots in the box—

> Said judges shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. Each of the judges shall examine the separate files which are, or are supposed to be, alike, and exclude from such files any which may have a name or an erasure or in any manner shall be different from the others of such file.

In other words, under the election laws the judges take the ballots and, according to the law, lay them out.

Quoting again from the law:

> When said judges shall have gone through such file of ballots containing the same names and shall count them by tens in the same way and shall call the names of the persons named in said ballots and the office for which they are designated, the tally clerks shall tally the votes by tens for each of such persons in the same manner as in the first instance.

The law provides that each of the judges shall examine these ballots and that they shall, after counting them, pile them up in stacks of 10—10 straight Democrats, 10 straight Republicans, the splits or scratches being in a different package. Here is a sample of the ballot in the election held in November under which this contest arose. Here is a straight Democratic ticket; here is a straight Republican ticket. The voter who wished to vote a straight Democratic ticket marked up here, and that is a straight ticket. If he wished to vote a straight Republican ticket, he marked in the Republican column; and those were placed, under the election law in Illinois, in stacks of 10; and then each of the three judges, under the law, was to look at each ballot and see if it was a straight ballot when they were counted in 10.

Then, under the law, the tally clerk did not necessarily have to check each one of these 10 ballots; but after the three judges had inspected them, then one of the judges announced how many straight Democratic ballots there were and how many straight Republican ballots there were. Then the tally clerks, with the one judge sitting and the two other judges looking on, would call off the splits and scratched ballots. Under the law, these straight ballots were counted out in piles of 10, as I have stated, and the scratches and the splits would be kept separate and totaled up by themselves. That is the operation of the election law of Illinois.

Mr. LAGUARDIA. Will the gentleman yield for a question?

Mr. WILLIAMS of Texas. Yes.

Mr. LAGUARDIA. Is there any provision whereby a person can vote a straight ballot in one column and vote for one individual in the next column?

Mr. WILLIAMS of Texas. It would not be a straight ballot in that case; it would be a split or a scratch.

Mr. LAGUARDIA. But that may be done?

Mr. WILLIAMS of Texas. A voter can vote in that way if he wishes.

Mr. LAGUARDIA. That is what I wanted to know.

Mr. WILLIAMS of Texas. Further answering the gentleman from New York, I exhibit a straight Democratic ballot and a straight Republican ballot. If the ballot is scratched, it is not straight; it is a split; and the law says that three judges of election shall inspect that ballot. The ballots were inspected and the returns came in, as indicated by the chairman of this committee, and the contestant, discovering that he had not been given the straight Democratic votes that the other candidates had been given in the various boxes in the eighth congressional district of Illinois, entered into this contest; and, again as stated by the chairman of the committee, for over nine months they fought it through the courts.

In precinct 1 of ward 25, where three judges had inspected the ballots and made the statement that the returns on the straight Democratic ticket were 52 votes and the contestant received 12, would you not think there was something wrong with the return? In precinct 1, ward 26, with 121 straight Democratic tickets, where the contestant received but 78 votes, is not that prima facie evidence that there is fraud and that the Democratic candidate on that straight ballot had not received fair treatment, or his name would appear in the column with the others who had received the straight-ticket vote in that election?

Mr. CHIPERFIELD. Will the gentleman yield for a question?

Mr. WILLIAMS of Texas. I yield.

Mr. CHIPERFIELD. Does the gentleman understand that in the State of Illinois the election judges return the number of straight ballots cast?

Mr. WILLIAMS of Texas. I beg your pardon. That was not my statement. I said that the election law of Illinois provided that the three judges shall inspect and lay the straight ballots in packages of 10.

Mr. CHIPERFIELD. That is true.

Mr. WILLIAMS of Texas. That was my statement.

Mr. CHIPERFIELD. But in making the returns in the tally sheet that would not appear.

Mr. WILLIAMS of Texas. That does not apply to all tally sheets. I explained the tally sheet.

Mr. SCHAFER. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. SCHAFER. The gentleman indicated that there was prima facie evidence in the testimony adduced by this notary public, representing the Congress. Was that prima facie evidence sufficient to warrant the opening up of the ballots?

Mr. WILLIAMS of Texas. What more testimony does the gentleman want that there is fraud when in 1,611 straight Democratic tickets the contestant gets 316; and in 817 straight Republican votes the contestee gets 3,379. What more evidence of fraud does the gentleman want?

Mr. SCHAFER. I sat on the Elections Committee. From what you are just telling us it does not follow——

Mr. WILLIAMS of Texas. I am not going to enter into an argument with the gentleman.

Mr. SCHAFER. But prima facie evidence of fraud must be something more than the mere fact that a man runs behind his ticket.

Mr. WILLIAMS of Texas. Does the gentleman from Wisconsin mean to imply that the facts adduced in this case show there is no fraud?

Mr. SCHAFER. I want to know whether we are going to be faced with an election contest just because a candidate runs behind his ticket?

Mr. HOLADAY. Will the gentleman yield?

Mr. WILLIAMS of Texas. Certainly.

Mr. HOLADAY. What is the basis of the gentleman's statement that there were a certain number of straight tickets in any particular precinct?

Mr. WILLIAMS of Texas. The returns of the officers of the election.

Mr. HOLADAY. Does the gentleman understand that in Illinois the returns of the judges indicate how many straight ballots there were?

Mr. WILLIAMS of Texas. No.

Mr. HOLADAY. Then what is the basis of the gentleman's statement that there were certain numbers of straight ballots?

Mr. WILLIAMS of Texas. The record proves that.

Mr. HOLADAY. What record?

Mr. WILLIAMS of Texas. The record of this recount. In precinct 25 the record shows there were 62 straight ballots. The contestant received 12 votes and on the recount it developed that he received 62 votes in addition to 11 splits.

Mr. HOLADAY. As I understand the gentleman there is no evidence as to the number of straight ballots in any precinct except the report of the notary public appointed by Mr. Kunz.

Mr. KERR. May I answer that question?

Mr. WILLIAMS of Texas. Yes.

Mr. KERR. There is evidence in every return made by every election officer in this election on the tally sheets, showing those which were straight votes and those which were scratch votes.

Mr. HOLADAY. Does the gentleman understand the Illinois law to be that the returns of the judges indicate how many straight ballots there are?

Mr. WILLIAMS of Texas. I can not yield any further. The gentleman can address the House in his own time.

Mr. HOLADAY. The gentleman yielded to the gentleman from North Carolina to answer my question, and I was listening.

Mr. KERR. Let me answer the gentleman.

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from North Carolina?

Mr. WILLIAMS of Texas. Yes.

Mr. KERR. I understand and assert that the returns made by the election officers show which were scratch votes and which were straight votes.

Mr. HOLADAY. As a Member from Illinois I am sorry that the chairman of the committee entirely misunderstands the Illinois law.

Mr. KERR. There is your tally sheet and the return made on it. Look at it.

Mr. WILLIAMS of Texas. I refuse to yield further. I will let the gentleman from Illinois address the House in his own time.

Mr. ARNOLD. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. ARNOLD. The gentleman from Illinois [Mr. HOLADAY] said there was nothing in the returns which would show what were straight ballots and what were mixed ballots. That is true so far as the judges' returns are concerned, but the tally sheets themselves show how many straight ballots and how many mixed ballots there are.

Mr. WILLIAMS of Texas. I understand that the tally sheets show that, and any man can see that if he can read.

Mr. HOLADAY. Show it to me.

Mr. WILLIAMS of Texas. Ten, twenty, thirty, and so on.

Mr. HOLADAY. That does not show it at all.

Mr. WILLIAMS of Texas. Certainly, it shows it.

Mr. MICHENER. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. MICHENER. The gentleman from Wisconsin said that this notary public had taken the evidence for Congress. I do not know anything about this case, but is there any law which permits a notary public to take evidence for the House?

Mr. WILLIAMS of Texas. That is the law of this House, passed in eighteen hundred and fifty something, and in the Sixty-eighth Congress, in an election contest, that right was recognized.

Mr. MICHENER. That may be recognized, but is there anything authorizing it?

Mr. WILLIAMS of Texas. The House recognized it when the Republicans were in the majority.

Mr. SCHAFER. Will the gentleman yield?

Mr. WILLIAMS of Texas. No. I will yield when I get through. I would like to explain this: In precinct 21 of the forty-seventh ward, the straight Democratic tickets were counted by the judges. The Democratic candidate for United States Senator received 320 votes, the Democratic candidate for Congressman at large received 270, Nesbit 269, and Kunz 51. The candidate for the Senate on the Republican ticket received 35 votes, Smith received 18, Yates 89, and Granata 307. There is no man of intelligence in the world but what will know there is something wrong with that return, and you can not defend it.

Mr. MICHENER. I have had worse than that in my district.

Mr. WILLIAMS of Texas. Not that discrepancy.

Mr. MICHENER. Yes.

Mr. WILLIAMS of Texas. All right; answer this question: Why is it that there is one of the election judges in jail for the limit of one year and about 20 of them under bond of $2,500 for fraud in this case? [Applause.] Answer that.

Mr. MICHENER. That is a different thing.

Mr. WILLIAMS of Texas. I know; it is very different.

Mr. MICHENER. But when a gentleman attempts to show that because an individual candidate——

Mr. BANKHEAD. Mr. Speaker, I rise to a point of order. The gentleman from Texas is entitled to yield to such gentlemen as he may desire, but when half a dozen gentlemen get up and point their hands at him it creates confusion in the House.

The SPEAKER pro tempore (Mr. JOHNSON of Texas). In order to avoid such confusion, the Chair would suggest that the gentlemen who desire the Member having the floor to yield, first address the Chair.

Mr. MILLARD. The gentleman asked if any Member on this side could answer his question, and several of us got up to answer.

Mr. WILLIAMS of Texas. I want to be courteous, but I can not cover this record and yield until I get through

with my statement. I shall then be glad to yield to any of the gentlemen.

In the minority report you will find the claim that the contestant objected to some 6,500 votes. The record shows that this recount began in the presence of representatives of both the contestant and the contestee, and there never was a minute that representatives of the contestee were not present.

With reference to the statement of the gentleman from Massachusetts [Mr. GIFFORD] about the ballot, there were only six boxes that had been opened, and they were opened in a contest over a judgeship, and the clerk of the commission swore—and it is in the record—that these ballot boxes were never out of his possession, and in the recount stated they were always under his supervision. The integrity of the ballot boxes at the time of this recount was not questioned, and that is one reason that I, as a member of the committee, do not care to go into them and recount them again, because their integrity may have been violated.

You understand that before this recount came they fought it out in the courts for nine months. They went to every court available in order to prevent a recount, and when Judge Jerecki gave them the order to recount, under the supervision of the commissioners, precinct 1, ward 20, gave contestant 2 votes and Granata 374. The recount gave the contestant 73 votes and Granata 229, or a gain of over 200 votes for the contestant.

Precinct 2, ward 20, gave contestant 57 votes and Granata 220, and a recount gave the contestant 72 votes and Granata 182, or a gain of 53 votes for the contestant. Understand that all of these were counted and the contestant was given credit for them by the recount and there was not a word of protest by the contestee.

Ward 20, precinct 3, gave Kunz 2 votes, Granata 351; and the recount gave Kunz 11 and Granata 279, a gain of 81 votes. Ward 20, precinct 5, gave Kunz 13 votes and Granata 245, and the recount gave Kunz 138 and Granata 199, or a gain for the contestant of 171 votes.

Ward 20, precinct 25, gave the contestant 3 votes and Granata 260, and the recount gave the contestant 15 and the contestee 228, or a gain of 46 votes.

Ward 25, precinct 1, the first count was Kunz 12, Granata 300; the recount gave Kunz 73 and Granata 229, or a gain of 132 votes.

It was developed in this count that 62 straight ballots that should have been credited to Kunz at that time—and the record will show that not until that time did the contestee question the validity of the ballots, but if you will look at the minority report, they are going to call your attention to the fact that he objected to 6,400 votes. There is one box where he objected to 11 more votes than were in the ballot box.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. NELSON of Wisconsin. Will the gentleman yield for a question?

Mr. WILLIAMS of Texas. Yes.

Mr. NELSON of Wisconsin. Do I understand there was a recount of straight ballots?

Mr. WILLIAMS of Texas. Yes; and splits.

Mr. NELSON of Wisconsin. And both sides were present with their attorneys?

Mr. WILLIAMS of Texas. Yes.

Mr. NELSON of Wisconsin. Who did the recounting—who specifically did the counting?

Mr. WILLIAMS of Texas. It was under the supervision of the notary public selected by the contestant under the law.

Mr. NELSON of Wisconsin. And they went along and checked up the recount?

Mr. WILLIAMS of Texas. Yes. And after they counted eight or nine boxes, and it developed that the contestant was eight or nine hundred votes in the lead——

Mr. PARSONS. Was the notary public for the contestant and the contestee present?

Mr. WILLIAMS of Texas. All the time; and not only the notary public, and the contestant, and the contestee, but his brother and his friends; and they used every effort possible to prevent a count after it had reached the place where the contestant was gaining; they did everything in the world to intimidate and prevent the recount.

Now, let me give you another thing. In ward 43, precinct 27, the returns showed a straight Democratic ballot laid aside by the three judges. They were inspected by three judges, and they laid aside 200. Straight Democratic was 43. That is verified by the tally sheet. You can look at the tally sheet and see how many straight ballots were cast for both parties, and how many split. With 200 straight Democratic ballots the contestant received 27 votes. With 43 straight Republican ballots, the contestee received 270 votes.

The recount gave the contestant 195, and the contestee 83 votes, a gain for the contestant in one box in the eighth district of Chicago of 355 votes.

And then you talk about decency. This judge, who did the job, is serving a term in jail, the maximum penalty of one year, and there are 20 or more who are under bond for $2,500 for fraud they committed in this election.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. CHINDBLOM. Does the gentleman know that this judge of elections was not convicted of any fraud in this district, but in another district.

Mr. WILLIAMS of Texas. Then the record is wrong. But I am not going to get into a colloquy with the gentleman. I hope that the gentleman from Texas is just as anxious to do the right thing as is the gentleman from Illinois.

Mr. CHINDBLOM. I have no doubt of that.

Mr. WILLIAMS of Texas. I want to do the right and proper thing, but I say that any congressional district that would permit the irregularities and frauds and corruption that was evidently committed in the eighth district, according to this record, ought not to be defended.

Mr. CHINDBLOM. Will the gentleman yield further?

Mr. WILLIAMS of Texas. Yes.

Mr. CHINDBLOM. I want to say to the gentleman that I was in San Antonio and saw the thievery, and the results that were achieved there by the judicial officers.

Mr. ALLGOOD. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. ALLGOOD. Under the law of Illinois, are not the judges both Democrats and Republicans?

Mr. WILLIAMS of Texas. Yes; and the law says that every one of the straight tickets must be inspected by the judges.

Mr. DE PRIEST. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. DE PRIEST. Does the gentleman realize the fact that the judges, both Democrats and Republicans, of this election were appointed in a Democratic county?

Mr. WILLIAMS of Texas. That is the trouble.

Mr. DE PRIEST. And when he says these judges inspected the ballots, they would not incriminate themselves?

Mr. WILLIAMS of Texas. The record shows that they did it. I will not argue further. I call attention to this, that with 11 precincts, and with 1,611 straight Democratic tickets, the contestant received 316 votes. In the same boxes at the same time, on Republican straight ballots, the contestee received 3,379 votes. The returns on those boxes show that the contestant was elected by the voters in the eighth congressional district of Illinois. Gentlemen talk about precedent. If this House does not by its vote say to the eighth district of Illinois that we expect them to hold an election that is decent; that we expect them to hold an election that is fair; that when you send a Representative to Congress we know that he has been elected honestly, the time is coming when that district will not be allotted a Representative until they clean house.

I thank you. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. ESTEP].

Mr. PARKS. Mr. Speaker, I make the point of order that there is no quorum present. This is a very important matter, going to the foundation of the Republic, and I think we ought to have a quorum present.

The SPEAKER pro tempore (Mr. JOHNSON of Texas). The gentleman from Arkansas makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. BANKHEAD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 44]

Abernethy	Curry	Kurtz	Pratt, Ruth
Aldrich	Darrow	Kvale	Purnell
Andrew, Mass.	Dieterich	Lambertson	Reid, Ill.
Bacharach	Doughton	Lamneck	Romjue
Bacon	Douglas, Ariz.	Lankford, Ga.	Sanders, N. Y.
Baldrige	Drewry	Larrabee	Schneider
Beck	Englebright	Larsen	Shreve
Beedy	Foss	Lea	Snell
Beers	Freeman	Lewis	Steagall
Boileau	Garber	Lindsay	Stokes
Brand, Ohio	Gillen	Lovette	Strong, Pa.
Britten	Golder	Lozier	Sullivan, Pa.
Brumm	Greenwood	McFadden	Taylor, Colo.
Burdick	Hall, Ill.	McSwain	Taylor, Tenn.
Campbell, Pa.	Harlan	Maas	Tucker
Carden	Hawley	Magrady	Turpin
Carter, Calif.	Hogg, Ind.	Martin, Mass.	Weeks
Chapman	Hull, Morton D.	Montet	Welsh, Pa.
Clancy	Hull, William E.	Murphy	West
Cochran, Pa.	Igoe	Nelson, Wis.	Wolfenden
Cole, Iowa	Jacobsen	Nolan	Wolverton
Collier	Johnson, Ill.	Owen	Wood, Ga.
Connery	Johnson, Okla.	Patman	Woodruff
Cooke	Johnson, Wash.	Perkins	Woodrum
Crisp	Kading	Pratt, Harcourt J.	

The SPEAKER pro tempore. Three hundred and thirty-two Members have answered to their names, a quorum.

Mr. RAINEY. Mr. Speaker, I move to dispense the further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. ESTEP] is recognized for 15 minutes.

Mr. ESTEP. Mr. Speaker, I suggest that the call of the House simply increased the noise in the House rather than the number of Members present.

In connection with the matter at issue I want first to say that the report filed by the majority Members of this Elections Committee is the weakest and the most unconvincing document that was ever filed in a case where the result of its adoption will be the unseating of a Member of this august body. It is simply the report of a notary public by the name of Hoffman, appointed by Mr. Kunz, who held an alleged recount, who appointed the tabulators, who appointed the counters, who appointed the talliers, and this committee adopted the report submitted by this man Hoffman, and is now asking this House to accept it and unseat Mr. Granata by reason of that report. I am not going to argue the questions of law in so far as the power of a notary public goes, but I give you the fundamentals of what his power usually is, as recognized by any lawyer and as recognized by the laws of any State, and that is the power to take affidavits, the power to take acknowledgments, and the power to take depositions, either by way of questions and answers or by a continuous statement made by the affiant, and signed by the affiant at the end thereof; and I challenge any man in this House or any member of the majority of the committee to find one place in this record where there is a deposition made by anyone, and I challenge any member of this committee to show me where anyone was sworn——

Mr. WILLIAMS of Texas. Mr. Speaker, will the gentleman yield?

Mr. ESTEP. No. As I say, I challenge any member of this committee to show me where anyone was sworn, except the carriers and the tabulators who were taking charge of this alleged recount. The law and precedent as laid down by this House for years and years is plain. First, where one wants to contest the election of another Member he files a petition with this House. In that petition he sets out certain allegations or statements of fact to sustain his contention that he is entitled to the seat, and upon the appointment of a notary public by him, which is authorized under the law for the purposes I have already stated, depositions are to be taken and evidence produced. For what purpose? To show to this House that there are certain grounds verified by the depositions and evidence that would warrant this House in taking an interest in the question as to whether there was some reason for his contest. Mr. Kunz on the 9th day of December, 1930, the election having been held on November 4, 1930, filed a petition with this House, and in that petition he alleged certain things in connection with the conduct of that election. I briefly give you one of the allegations:

> That threats were made by gangsters, that they would make meat of the judges and clerks, that offers of money were made in great numbers of instances, that threats of violence were made.

That is one of the allegations made in Mr. Kunz's petition, and I challenge anyone to read this whole record, which is the most deplorable record I was ever called upon to read—and I trust no one in this House will ever have the misfortune to have to read a similar one. I challenge any man to find in that record one iota of testimony taken by the notary public to sustain the contention of Mr. Kunz. I challenge any Member to find in that record where any evidence was taken by the notary public on behalf of Mr. Kunz to sustain any of the allegations in his petition. What else did he allege? He alleged that he did not receive certain straight ballots that were alleged to have been cast in that election. What are his grounds for so alleging? Because Senator J. HAMILTON LEWIS had received a tremendous vote in certain districts, and the ballots were counted by the elections boards as having been straight ballots. There is a law in Illinois that provides that you can mark a straight ballot in the circle either of the Democratic Party or of the Republican Party, and then you can go over into the column of the party opposite to the one you marked as a straight ballot and there mark for certain individuals or one individual. It appears in parts of the record that where there was a cross in the circle indicating a straight ballot, and then there was a cross opposite Mr. Granata's name, if the straight ballot happened to be marked as a Democratic ballot, that those ballots were set aside as straight ballots to save complications and not put over where there were numerous split ballots.

In so far as all of the other candidates were concerned, Senator LEWIS, Mrs. McCormick, and the rest of the candidates at the head of the ticket, they were counted as straight ballots, but in going through them afterwards for the purpose of checking up the single instances, where they wanted to vote for a candidate in another party column, they then marked those up separately and, therefore, they appeared on the return of the election board as straight ballots when, in fact, they were not straight ballots, because Granata had a vote on each one of them. When the gentleman from Texas [Mr. WILLIAMS] was reading from the report, which he undertook to make you believe was an authentic record of the situation which existed in September——

Mr. WILLIAMS of Texas. Will the gentleman yield?

Mr. ESTEP. Yes.

Mr. WILLIAMS of Texas. Was not that proven by the return of the recount?

Mr. ESTEP. The return of Mr. Hoffman, yes; and I am going to get to Mr. Hoffman a little later.

Mr. WILLIAMS of Texas. The recount proved it.

Mr. ESTEP. But where was the recount? There was no recount as provided in any law.

Mr. WILLIAMS of Texas. Did not Mr. Hoffman have authority to recount those ballots?

Mr. ESTEP. I can not yield further but will get to that a little later. That is the explanation as it appears in the RECORD as to how the vote for Granata was checked up. Suppose, for instance, in a certain district Senator LEWIS received 300 straight ballots. They called them straight ballots because on those particular ballots there was only

one cross. Then they went through them and found that Mr. Granata may have had 200 crosses opposite his name on the ballots that were called straight ballots. So far as the record shows there was no fraud; there was no cheating in those cases; it was merely a matter of whether the election board used good judgment in setting aside these ballots in the manner they did set them aside.

This House for years and years has sustained certain well-known and defined precedents. It has already been referred to, that when the Republican Party had a majority of 100 in this House a Republican election committee, because the contestant in his case had not pursued his rights within the time stated by the law, refused to consider him and placed the Democrat in his seat or, at least, retained the Democrat in his seat. That occurred on two occasions, once in the Sabath case and once in the case of Mr. Kunz himself, where a man by the name of Parillo was contesting his election, and it comes with poor grace from the Elections Committee of the Democratic majority to now undertake to upset the very precedent relied on to seat Mr. Kunz, the present contestant.

One can not in the time allotted in cases like this even begin to cover the matters that are important, but I want to pay my respects now to the notary public in this case and to give to the House an idea, and each Member of the House an idea as to how, in the event he is defeated for Congress, he can start a contest. He can appoint his own notary public, have that notary public appoint men who will recount the ballots 10 months after the election, and then seat him.

It is good advice now, because all of us may need it at some future date.

After Mr. Kunz filed his petition, without ever having sustained any allegation in it by testimony or depositions, Mr. Granata, on the 6th day of January, 1931, filed his answer. Under the law Mr. Kunz should have taken his testimony within 40 days from that date. It has been sustained time and time again by committees of this House that that is the law. What did Mr. Kunz do? Not once did he undertake to subpœna witnesses for the purpose of giving any testimony to sustain his petition. He had only one desire and one thought, and that was, "I want my notary public to get hold of those ballots. I want my notary public to count those ballots with my assistance and the assistance of other men that I will appoint or recommend to him." He struggled from January, 1931, until September, 1931, or a period of nine months, until he finally got his grasp on those ballots.

Now, they say Mr. Granata had a notary public there. Well, let me read from page 50 of the record and find out what position Mr. Granata's notary public held with reference to this so-called recount. Mr. Hoffman, Mr. Kunz's notary, said:

> We have a lot of matters in the record that should not have been said. Why not proceed orderly?

Mr. Libonati, attorney for Mr. Granata, said:

> Why do you not conduct it orderly in conjunction with this notary?

Meaning Mr. Euzzino, the notary that Mr. Granata had appointed. Mr. Hoffman said:

> I am not recognizing that notary; he can not certify the record.

On page 50 Mr. Kunz's notary public said:

> I am not recognizing Mr. Granata's notary; he has nothing to do with this case.

Despite all of that, the majority Members say that Mr. Granata was represented in that so-called recount.

I say to you that the recount was not held under the jurisdiction of the election commissioners of Chicago, as has been intimated by certain men on the majority side of the committee. Here is a telegram from Judge Jarecki, dated March 11——

Mr. KERR. Will the gentleman yield?

Mr. ESTEP. Yes.

Mr. KERR. Will the gentleman state that this telegram is not a part of the case?

Mr. ESTEP. I was going to state that it was received on March 11, 1932, and I assumed that when I mentioned the date of the telegram all of the Members of this House would know it was not in the record that was closed back in October, 1931. This is the telegram received from Judge Jarecki, who was ex officio head of this election commission:

> Neither the board of election commissioners nor myself conducted the recount in the Kunz *v.* Granata election contest. We gave services and made suggestions to either side when we were asked to do so.

I do not depend entirely on this telegram, because in the record, at page 241, Judge Jarecki said:

> I am here only as a spectator. I have nothing to do with this.

Then the court said, Judge Jarecki still speaking, at page 107:

> Yes; we are not even going to count them. You will have to have your own counters and tellers. This is not our contest. The only thing is we are custodians of these ballots and we let you take them. When we say "we," I mean the election commissioners and all the employees down there.

This appears on page 107 of the record and sustains my statement that this recount was held not by the election commissioners of the city of Chicago, not by any judge or any court, but by a notary public appointed by Mr. Kunz, and a notary public who was a Republican and a precinct committeeman in Mr. Kunz's own district.

Mr. KERR. May I interrupt the gentleman?

Mr. ESTEP. Yes.

Mr. KERR. Tell the House why Mr. Euzzino, your notary public, did not take evidence in this case and return it to this House, if you do not want this House to believe Mr. Hoffman's return.

Mr. ESTEP. I will tell you why he did not. It was because the time was up, and Mr. Hoffman had no jurisdiction, really, at any time to hold the recount.

Mr. KERR. The gentleman is a lawyer, is he not?

Mr. ESTEP. Yes.

Mr. KERR. Does not the gentleman know that you can not count against either one of them the time that this case was in court?

Mr. ESTEP. No; I do not know that. That is where the gentleman and I disagree about our understanding of the law, and I believe I am perfectly able to understand it as well as the gentleman from North Carolina.

Mr. O'CONNOR. Will the gentleman yield for a moment?

Mr. ESTEP. Certainly.

Mr. O'CONNOR. The gentleman undoubtedly knows that in the Sixty-eighth Congress, in the Ansorge-Weller contest, Ansorge appointed a notary from his own office, a clerk in his own office, and that was sustained by the Federal court. That notary counted 70,000 ballots and returned the results to that Congress. Surely that precedent is established with respect to the notary in such cases, and the fact he is connected with the contestant does not give ground for interference by the courts.

Mr. ESTEP. There are decisions that dispute the right of the notary to count the ballots. There are cases that hold that ballots are not "papers" in the sense that they can be subpœnaed by the notary public, and in the minority views filed in this case those cases are set out. I am not going to burden the RECORD by reading them or arguing them, because they are in the minority report, and anybody who wants to read them can find the precedents and the cases that have so held.

In the case from Illinois, where Mr. RAINEY was one of the lawyers, the Rinaker-Downing case, the judge there issued an injunction against the counting of the ballots, apparently on the theory they were not "papers" in the sense that the notary public had the right to subpœna them.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. ESTEP. Yes.

Mr. WHITTINGTON. Do I understand the gentleman to say that Mr. Granata's notary did not file a report because it was too late?

Mr. ESTEP. I said that Mr. Granata's notary having been informed, as I have already stated and as the record shows on page 50, that he was not to be recognized, that nothing he did or said was going to be recognized by Mr. Hoffman, had no power during this recount, and there is a report filed by Mr. Granata's notary public.

Mr. WHITTINGTON. And what does that report indicate as to the actual count of the ballots or the accuracy of the count of the ballots?

Mr. ESTEP. He sustains the original count of the election board of the city of Chicago.

Mr. CHIPERFIELD. Will the gentleman yield?

Mr. ESTEP. Yes.

Mr. CHIPERFIELD. Does not the record show that the contestant's notary said to the contestee's representative, "You are only a spectator; you have no part in this proceeding"?

Mr. ESTEP. Absolutely; as I have already quoted from page 50 of the record.

Now, let me go a little farther in connection with the ballots in this case.

Let us assume, for the purpose of the argument, that the notary public had the right to count these ballots. Let us assume that the notary public was an honest man and desired only one thing, namely, an honest count of the ballots.

Under the facts shown in this record was the integrity of those ballots so preserved that when they were counted 9 or 10 months after the election, the notary's return ought to be taken as indicating the true state of those ballots on November 4 when they were counted by the election boards in the eighth congressional district?

I say that any man who reads this record would hesitate to ever have his seat put in jeopardy by having ballots counted whose integrity was as much in doubt as this record shows these ballots to have been.

Mr. WILLIAMS of Texas. Is it not the contention of the minority that these ballots, six or nine months after, be brought here and this committee count them again?

Mr. ESTEP. No. That is not my contention. I say that the integrity of the ballots has been destroyed. That is the contention of the gentleman from Iowa.

Now, let me say this: On page 472 of the record it shows some of the ballots were stored in a warehouse owned by Werner Bros., not in the vaults of the commissioner, but in this warehouse, wrapped up in brown paper and tied with cord.

Mr. WILLIAMS of Texas. The record shows that those were ballots not voted.

Mr. ESTEP. On page 292 of the record there is a statement by Commissioner Hoffman:

> Let the record show that the second precinct, twenty-seventh ward, in the poll books as indicated, votes cast in this precinct, 442 votes; a difference between the number in the box, which is 139, and the poll books—a difference of 303 ballots, which are unaccounted for. Mr. Rusch, will you produce any other ballots you may have in this precinct and also the tally sheet and all other papers in connection with the same?

Mr. WILLIAMS of Texas. Who carried the precinct by an overwhelming majority?

Mr. ESTEP. I do not know who carried it by an overwhelming majority; I am talking about the integrity of the ballot. You have got your figures all mixed up. Where were the 303 ballots that afterwards appear in the record as being counted? In all probability they were in Werner Bros.' warehouse wrapped up in brown paper and tied with a cord. [Applause.]

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Mr. Speaker and Members of the House, each and every one of the membership of this House to-day is sitting in this matter as a judge of the law and the trier of the facts. It should be the purpose of each and every one of us, it seems to me, to so develop and apply these facts, which are now well established, and to decide this case only upon the basis of right and justice.

I am very happy to say that upon a review of many cases in the House of Representatives, that it is to the eternal credit of each side of the House that they have frequently risen above narrow partisanship and on a number of occasions have seated a member of the opposition where it was in a minority where such action appeared right and just.

I want to devote myself to but one aspect of this case; that is, from what sources of evidence should it be established whether the contestant or the contestee is entitled to a seat in this House.

First, I want to assert that there are only two sources to which you can look and from which a decision can be made in this matter, only two sources of evidence that you have any right to consider. One class of evidence is the election return as made by the judges of election in the various precincts at the time of the election and at a time when the result of the general election could not be known and when there was little incentive to fraud.

I do not claim that of necessity such return is the highest form of evidence. The other source to which you may look is the ballots that were cast at the election, provided—and I will make the matter so plain that nobody will doubt the authority—that it is shown by the contestant by proper and competent proof that the ballots have been so preserved and protected that they remain the best evidence of the fact sought to be proved. [Applause.]

Here is the difficulty from a legal standpoint. You are apt to think—those who are in the laity, particularly, and many of us of the profession who have not looked into the subject—that you may take evidence where you find it and establish the right of a contestant to a seat in this House by any kind of evidence, whether competent or incompetent. Such is not the law. The law is very plain that you must take the class of evidence that is approved by the decisions of the courts and of this House.

Mr. ARNOLD. Mr. Speaker, will the gentleman yield?

Mr. CHIPERFIELD. I prefer the gentleman would wait; but if it is of any particular point now, I yield.

Mr. ARNOLD. Does the gentleman mean to tell us that the tally sheets that were made at the time the votes were counted originally are not evidence as to the result of the votes cast at that election?

Mr. CHIPERFIELD. I mean to say that the tally sheets and the certificates of the judges and clerks constitute the returns. There is no question about that. They are made by the very official gentlemen who are eulogized by the gentleman from Texas [Mr. WILLIAMS] as in this case doing this fairly and correctly. I do not mean to be discourteous; but as my time is very short and I want to get along with what I have in mind, so I would prefer not to yield just now. I call attention that it is required by the statute law of the State of Illinois—and I say without any boasting that I have been in many election contests in that State—that ballots shall be preserved as follows:

CHAPTER 46

PAR. 60.—Ballots strung and returned—Sale—When destroyed.—Sec. 59: All the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine, in the order in which they have been read, and shall then be carefully enveloped and sealed up by the judges, who shall direct the same to the officer to whom by law they are required to return the poll books, and shall be delivered, together with the poll books, to such officer, who shall carefully preserve said ballots for six months, and at the expiration of that time said clerk shall remove the same from original package and grind and shall sell the same, together with all reserve and unused ballots, to the highest and best bidder for cash in hand paid and deposit the proceeds in the city treasury, county treasury, or treasury of the municipality or other subdivision of the State which paid for such ballots: *Provided*, If any contest of election shall be pending at such time in which such ballots may be required as evidence, the same shall not be disposed of or sold until after such contest is finally determined.

PAR. 63.—Returns—Triplicate series—To county and town clerk and secretary of state.—Sec. 62: One of the lists of voters, with such certificate written thereon, and one of the tally papers footed up so as to show the correct number of votes cast for each person voted for, shall be carefully enveloped and sealed up and put into the hands of one of the judges of election, who shall, within 24 hours thereafter, deliver the same to the county clerk

or his deputy, at the office of said county clerk, who shall safely keep the same. Another of the lists of voters, with such certificate written thereon, and another of the tally papers footed up as aforesaid, shall be carefully enveloped and sealed up and duly directed to the secretary of state and by another of the judges of election deposited in the nearest post office within six hours after the completion of the canvass of the votes cast at such election, which poll book and tally list shall be filed and kept by the secretary of state for one year, and certified copies thereof shall be evidence in all courts, proceedings, and election contests. Another of the lists of voters, with such certificates written thereon, and another of the tally papers footed as aforesaid, shall be carefully enveloped and sealed up and delivered by the third one of the judges without delay, in counties under township organization, to the town clerk of the town in which the district may be; and in counties not under township organization they shall be retained by one of the judges of election and safely kept by said town clerk or judge for the use and inspection of the voters of such district until the next general election. Before said returns are sealed up as aforesaid the judges shall compare said tally papers, footings, and certificates and see that they are correct and duplicates of each other, and certify to the correctness of the same: *Provided*, That the lists of voters and tally papers required by this act to be forwarded to the secretary of state shall be transmitted in envelopes furnished to the various county clerks by the secretary of state for that purpose. Said envelopes shall bear the name and address of the secretary of state printed in plain, legible type, together with a blank form printed in convenient shape for designating the county and voting precinct or district where it is to be used, and also the words "poll book and tally list only" and the date of the election for which they are to be used. Said envelopes, printed as aforesaid, shall be forwarded by the secretary of state to the various county clerks in the same manner in which registration books are now sent and in ample time for each general election. And it shall be the duty of the county clerk of each county, upon receipt of said envelopes, to properly fill out the blank form on one copy of same for each voting precinct or district in his county, according to the list of precincts forwarded by him in pursuance of law, to the office of the secretary of state. Said county clerks shall attach to each of said envelopes sufficient stamps to fully prepay the postage on the list of voters and tally papers which it is to contain. Said envelopes, properly filled out and stamped as aforesaid, shall be distributed by the various county clerks to the election officers entitled to receive them, together with their regular quota of other election supplies.

(Revised Statutes of Illinois, ch. 46, pars. 60 and 63.)

It is required that they shall be sealed up securely in an envelope and then shall be returned to the proper authorities. Unless these requirements have been complied with, I maintain that under the law of the State of Illinois and the decisions of this House that there is no such preservation of ballots as entitle them to be received as evidence for the purpose of overturning the official returns. I shall quote to you the authority in just a moment. Indeed, Mr. Speaker, you have to follow these ballots when they are offered as evidence in a court in the State of Illinois from the precinct and show that they were delivered by one of the judges or clerks to the election officials for preservation, and show that they were in the same state when they were delivered as when they left the hands of the voting officials. I have nothing but kind words to say of Mr. Rusch, but it is very apparent that his testimony is merely perfunctory, and it is equally apparent from the evidence in this case that rarely in the history of the State of Illinois have ballots been so improperly and wrongfully and carelessly and negligently handled as the ballots that are now before this House for its decision.

I call attention to the case of Eggers *v.* Fox (177 Ill. 185), and I shall read only a few lines from the decision of our Supreme Court. I was in that case and I am thoroughly familiar with it. Here is what the court said:

There is no evidence here, it is true, that the ballots were meddled with by unauthorized parties, but they were left in the town hall from Tuesday night until Thursday in an exposed condition, where they might have been reached and tampered with. Under such circumstances we are of opinion that before the ballots could be used to impeach the returns as shown by the poll books, it devolved upon the appellant to prove that the ballots were not changed or tampered with before they were delivered to the custodian on the second day after the election.

In other words, that you have to follow them from the original polling place, and the duty devolves upon the appellant, who was the contestant in that case. Such is the plain burden resting upon the contestant in this case.

In the case of Dennison *v.* Astle (281 Ill. 442), a recent decision, the court says:

The burden was upon the appellant to show that the ballots had been kept intact as required by the statute and preserved in such a way that there was no reasonable opportunity to tamper with them, otherwise they can not overcome the returns.

Just one further short quotation:

The statute requires that when the ballots are strung they shall be inclosed in a secure canvas covering, securely tied and sealed with sufficient impression wax seals in such a manner that they can not be tampered with without breaking the seals. This provision of the statute was not followed, and consequently it was possible for any one to remove the seals and replace them with like seals and sealing wax before the box had been opened and again closed. It was not incumbent upon the appellee to show that the ballots had been tampered with, but it was incumbent upon the contestant to show clearly that the ballots had been kept intact in such a condition as when counted and preserved without opportunity of interference with them. The evidence offered in behalf of the appellant was not sufficient to show the situation and the ballots were not competent as evidence.

That is a ruling of the Supreme Court of Illinois, and such is the holding of the House of Representatives in the matter of Wallace against McKinley in the Forty-eighth Congress. That plainly is the law. There are only two sources, as I have said, to which you can look. What is the evidence in this case? Never, in my opinion, in any case that came from Cook County or elsewhere was there such an improper handling of the ballots subsequent to the election. There is no evidence showing that they were delivered to the commissioners in the same condition in which they left the judges of election, and the evidence clearly shows that part of these ballots were used in a contest between two of the judges of Cook County, that they were then placed upon tables, that they were used and counted, with every opportunity to mark and interfere, as to the office here involved, with them if anyone was so disposed. Not only that, but when those ballots came from the election office to the notary, a notary who was admittedly partisan, the boxes had been broken open, the ends were caved in, they were brought by messengers from a distance, the ballots were tied up with old cord, and they were not in a canvas sack or in any way protected. Every opportunity imaginable prevailed for tampering with these ballots, had that been desired. Gentlemen, I say to you in all candor and with a full realization of the responsibility of the remark I make that none of us would hang a yellow dog on the evidence that was produced from these ballot boxes, taking into consideration the opportunity for this interference and tampering that existed here. [Applause.]

Let us further consider the situation. Here is a notary representing the contestant; there are from 5 to 10 tables, with people sitting around these tables with pencils, and the ballots are being counted by persons wholly unauthorized to do so; the attention of the notary is called to the fact that there is a mob of men surging around these tables and interfering with the situation. Was there opportunity for interference? The record in this case plainly shows that there was. But that is not what has to be established by the contestee, my friends; it has to be established by the contestant from the evidence in this case to the satisfaction of every gentlemen in this House, both Republican and Democrat, on his conscience, on his oath as a Member of this House, so that he can say that the evidence shows there was no opportunity to tamper with these ballots. Otherwise they can not overcome the returns and are not proper evidence.

It would be a terrible thing for those who were engaged in the conduct of that election, picked up as they were from the various walks of life, to ignore the law and seek to pervert the fact; but it would be ten times as great a crime for us to here lay aside the law willfully to serve partisan ends; and I have too much regard for both sides of this House to believe that that was done.

If time permitted, I could cite many instances where there was other opportunity than I have referred for interference with these ballots. I could call your attention to the fact that when they opened the boxes the number of ballots did not match the names on the poll sheets, and it was necessary to search and find and bring in from private

places of storage ballots that could have been marked many times for the purpose of aiding the contestant in this case. Again I say it is not incumbent upon the contestee to show that this was done, but under the decisions of the court and under the case I have cited of the Congress of the United States it must be shown by the contestant that these ballots were so handled that the opportunity to improperly change and alter did not exist; and unless that is shown from the evidence of the contestant that the returns prevail. Has that been shown? I would not stultify myself or belittle the intelligence of any gentleman in this House as to imagine that there is a single Member so credulous as to say that such a contention has been established.

You gentleman are the triers of the fate of this man. Some day some man upon one side or the other of the House may be called upon to stand trial himself in a contest of his seat; and when the question is asked him, as it is sometimes in other places, "How will you be tried?" let him answer, "I will be tried by the law of the land."

If the law of the land does not justify the removal of Representative Granata by saying that the ballots are better evidence than the return, then a lesser wrong would be done by retaining him his seat in this body to which he has aspired and to which the returns have shown him to be entitled, than to attempt his removal by a resort to improper evidence that has been condemned by the courts and the decisions of this House. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 15 minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker, the only question that we are to settle in a short time is whether or not Mr. Granata, who was certified by the duly constituted authorities in Illinois to be elected from the eighth district of Illinois, is entitled to retain his seat.

For many years contested election cases in the House of Representatives were decided not upon their merits nor upon the law and the facts, but from purely partisan considerations; and the way the matter was decided by those in power became a public scandal. This is the only type of case where this House sits as a judicial body; and if there ever was a type of case that should be decided solely upon merit, it is a contested election case.

When I came here 17 years ago, intensely interested in this matter of contested elections and the law of elections, I asked to go on the Committee on Elections. The second Congress that I was on the Committee on Elections was a Democratic Congress. I was on the Committee on Elections No. 1, composed of six Democrats and three Republicans. The chairman of that committee was Hon. Riley Wilson of Louisiana, than whom no fairer or more impartial Member ever sat in this House. He was of the same opinion as myself, that these cases ought to be decided solely upon their merits. The Democratic majority in the House of Representatives was only two, and yet in two closely contested cases our committee composed of six Democrats and three Republicans unanimously decided in favor of the Republican—in one case, that of Steele against Scott, in favor of the sitting Member; and in the other case that of Wickersham against Sulzer, the Democratic sitting Member was unseated. In both of these cases, in spite of all efforts on the part of Democratic Party leaders, the Hon. Riley Wilson stood firm, the reports were submitted to the House, and the House sustained the committee.

In the next Congress, the sixty-seventh, when there was a change in the political complexion of the House, I had the honor to be chairman of the Committee on Elections No. 1. We had two cases, both from Missouri: Earl against Major and Bogey against Hawes.

Our committee, composed of six Republicans and three Democrats, unanimously decided in favor of the Democratic sitting Members. In the next Congress, the sixty-seventh, I was again chairman of the committee when, strange to say, there came before us the case of Dan Parillo against Stanley Kunz from the eighth district of Illinois.

In order to expedite these contested election cases, and to do away with the scandal of having two men draw congressional salaries for a year, and sometimes two years, Congress enacted wise legislation and provided that 40 days should be allowed to the contestant to present his testimony, and 40 days to the contestee. In the case of Parillo against Kunz, from this same district, our committee, composed of six Republicans and three Democrats, found that the time had been extended by stipulation of the parties until almost six months had expired, and we found unanimously that the law of Congress had been ignored and that Mr. Parillo was entitled to no consideration, and we brought in a unanimous report allowing Mr. Kunz to keep his seat. [Applause.] I do not want gentlemen on the Democratic side to forget that this is the same district and the same man.

Now, this case is exactly the same, with this exception: There was a stipulation of both parties extending the time for taking testimony, but in this case Mr. Granata's counsel protested from the beginning that the ballot boxes should not be opened, but should be kept inviolate and sent to Congress to be counted by the Committee on Elections. However, the time was repeatedly extended, against his protest, until eight months had expired, and the law passed by Congress absolutely ignored. Upon those facts, no testimony having been taken, not a word of testimony to corroborate the charges set forth in the notice of the contestant, for almost eight months the law was ignored, and upon the strength of the Parillo-Kunz case and all the other precedents this contestant is entitled to no consideration, and the committee, now composed of six Democrats and three Republicans, in view of the precedents, and of the law and facts, should have brought in a unanimous report to the effect that Mr. Granata is entitled to his seat. [Applause.]

I appeal to the Democratic side of the House to be good sports, to be as fair to the Republican side when you are in the majority as we were to you when we were in the majority and you were in the minority.

Now, Mr. Speaker, the next question is about this alleged recount. Some States have a State law—we have in Massachusetts—by which votes can be recounted in a congressional election. Illinois has no such law.

It has been stated here that the contestee objected to these ballots being counted by the notary public. He was justified in that, because that is the law of the State of Illinois.

In 1928, in the case of Major against Ramey, an original writ of mandamus was brought in the Supreme Court of Illinois to have the ballots brought before a notary, as in this case, but the Supreme Court of Illinois refused, and said, in substance, that the only tribunal competent or empowered to recount ballots in a congressional election was the Congress of the United States. In this case Mr. Granata, through his counsel, objected to the ballot boxes being opened, and demanded that they should be sent to Congress in order that a committee of Congress might count the ballots. But he was overruled, and, contrary to the law of Illinois, this recount, irregular and illegal, was held.

Now, what are the precedents of Congress in regard to that?

Mr. KERR. Will the gentleman yield?

Mr. DALLINGER. I regret, but I can not yield. Fortunately, we have a case in the city of Chicago which is on all fours with this case. It was a case which affected another one of our colleagues—Mr. SABATH—the case of Gartenstein against SABATH, in the Sixty-seventh Congress, where the same thing occurred that occurred in this case. Mr. Gartenstein, the Republican contestant, contended that a recount held before a notary public, as in this case, showed that he was elected. But what did the Committee on Elections of this House, composed of six Republicans and three Democrats, do? According to the precedents, they decided that such a recount was absolutely irregular and absolutely ignored it, and by unanimous vote reported that Mr. SABATH, the sitting Democratic Member, was entitled to his seat.

Now, my friends, the issue here is simply whether you are going to follow the precedents.

Mr. KERR. If the gentleman will yield, I will give him two additional minutes.

Mr. DALLINGER. I yield.

Mr. KERR. The gentleman said that the Gartenstein-Sabath case was on all fours with this case.

Mr. DALLINGER. Certainly.

Mr. KERR. Does not the gentleman know that in that case the reason they seated the contestee was that Congress itself said that only half of the votes had been recounted and therefore they could not tell who was elected? The gentleman ought to know that.

Mr. DALLINGER. I know all about it because I have studied every one of these election cases. This is what the committee said on page 12 of the report:

> No attempt was made by contestant to offer these ballots to be canvassed by the committee, but contestant seeks in this case to overthrow the official canvass of the votes by the legally constituted election boards by calling a witness to go through the ballots and report the tally to the commissioners selected by contestant to take testimony.

That was exactly what happened in this case, and that case was absolutely on all fours with this case. [Applause.]

Mr. KERR. May I interrupt the gentleman?

Mr. DALLINGER. Certainly.

Mr. KERR. Was not the decision of the House upon this point, that the reason they seated the contestee was that there were only half of the ballot boxes opened and counted, so that they could not tell who was elected?

Mr. DALLINGER. That is exactly the case here. If the gentleman has read the record, he will find instance after instance where Mr. Granata's attorney objected to a recount of these ballots by a notary public because from 100 to 600 ballots were found to be missing out of various ballot boxes. [Applause.]

Mr. Speaker and gentlemen of the House, think of calling what took place here a valid recount. I ask gentlemen who come from States where they have a provision for a recount by election commissioners to think of having the returns of the regularly constituted authorities overthrown by a recount held before a notary public, picked out and chosen by the contestant, the said notary public being the sole judge in every instance as to whether a ballot should be counted for Kunz or whether it should be counted for Granata.

Mr. O'CONNOR. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. O'CONNOR. That is what happened in the Ansorge-Weller case. The notary counted 70,000 ballots, reported to this House, and the committee took that count.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. CHINDBLOM. That was by agreement. I have the case right here. In the Ansorge against Weller case it was by agreement of the parties, and they came back to the House to have all the disputed ballots brought down here, and we passed a resolution in the House authorizing the disputed ballots to be brought down here, and after they had been counted, the committee reported.

Mr. O'CONNOR. I am not talking about disputed ballots or about bringing them here, because that is another subject entirely. I say that Ansorge appointed a notary in his office and that not only did Weller not consent to it, but he went into the Federal court to enjoin it.

Mr. CHINDBLOM. And the report of the committee shows that the count was by the parties and by their attorneys and by agreement.

Mr. O'CONNOR. Of course, they have to have a lot of people sitting around the table counting the ballots, because one man could not do it all.

Mr. DALLINGER. And I want to tell the gentleman from New York that I happened to be chairman of the committee in the Ansorge case, and we unanimously brought in a report in favor of the Democratic sitting Member, Mr. Weller.

Mr. LINTHICUM. Will the gentleman tell us about the case of Tom Harrison, who was unseated by the Republicans some years ago?

Mr. DALLINGER. That is an entirely different case.

Mr. WILLIAMS of Texas. I would like to advise the gentleman that if the records had proved that Mr. Granata was elected there would have been a unanimous report by this committee.

Mr. DALLINGER. Mr. Speaker, I want to call the attention of my Democratic friends to the fact that the canvassing board which returned Mr. Granata as elected, after making certain changes in the interest of Mr. Kunz, was a Democratic tribunal, and yet you are asked to go back of the returns of the regular canvassing board in which the Democratic Party had a majority.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. DALLINGER. I thank the gentleman.

I wish to recall this fact to the attention of the House. It is a universal rule in contested elections, supported by all the precedents that you can not impute the official returns or call for the recounting of the ballots until you have produced testimony showing that there is ground for a recount. In case after case, Congress has refused to send for the ballots and count them, because there was no evidence presented to the committee that there was ground for belief that a recount should be had. Now, in this case there was absolutely no testimony taken, and this case was extended week after week and month after month, against the protest of Mr. Granata and his counsel, and the law of Congress, enacted in order to expedite these contested elections, was absolutely ignored. In conclusion, I am simply going to appeal to the Democratic Members of the House to play the game. We played the game with you on these two cases right in the city of Chicago, when we had a committee of 2 to 1 in our favor, and we ask you to-day, for the good name of the House of Representatives, to decide this case, not on partisan grounds, but upon its merits, upon the law and upon the facts. [Applause.]

I thank you very much for your attention.

Mr. GIFFORD. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Speaker, I did not intend to discuss this election contest; but fater listening to the debate, I now feel compelled to do so.

We should always approach these election contests from a nonpartisan standpoint. My record in so far as not having partisanship enter into such contests is clear. I voted to seat the Democratic Congressman, Mr. MILLIGAN, and was one of those few Republicans who voted to seat Congressman BLOOM.

I want to tell you, my friend, if you vote to seat Mr. Kunz on the evidence presented to the election committee and the House, you write into the precedents of the House of Representatives, in so far as election contests are concerned, a precedent that will rise to haunt you in the future.

Why, even in this session of Congress we have a contest before an election committee of which I am a member, and many of the arguments advanced by the sitting Democrat are fairly and squarely on all fours with the arguments advanced by the gentleman from Illinois [Mr. CHIPERFIELD] against the seating of Mr. Kunz.

Mr. Speaker, are we going to adopt a policy that whenever a candidate defeated by a sitting Member of Congress feels out of sorts, he can demand a recount, if you please, without presenting any evidence in behalf of such demand, although the State laws in the candidate's home State require reasonable proof of irregularities justifying such action? If you study most of the election contests where the question of having the committee bring in the ballot boxes and count the ballots has been raised, you will find precedent after precedent to the effect that some evidence must be presented which would justify a recount of such ballots.

Furthermore, are we going to establish the precedent of having a notary public sitting in the city of Chicago, appointed by the defeated candidate, without any evidence being produced, count in some room of his choice the ballots in an election contest because a defeated candidate for Con-

gress desires to have a recount, without presenting any evidence of fraud or irregularity?

Mr. Speaker, the gentleman from Texas [Mr. WILLIAMS] tried to bulwark his indefensible position on the grounds that Mr. Kunz did not receive as many votes on the returns as other Democratic candidates on the ballot, and stated that this was prima facie evidence that a recount should be ordered.

Why, the gentleman from Texas [Mr. WILLIAMS] well knows that in his own election in 1928 he received 30,926 votes and Gov. Al Smith received 18,001 in his district. Is that prima facie evidence that those returns should have been recounted, either upon the request of the gentleman from Texas or Governor Smith?

Why, in the State of Texas, in the presidential contest in 1928, what do we find?

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield the gentleman one additional minute.

Mr. WILLIAMS of Texas. Will the gentleman yield?

Mr. SCHAFER. Wait until I finish this statement.

Al Smith, in the 1928 election, received a total of 341,032 vote in Texas, while Mr. CONNALLY, the Democratic candidate for the Senate in that State, received a total of 566,139 votes. The Republican candidate for the Senate received 129,910 votes and President Hoover 367,036 votes. Following the gentleman's logic, should Al Smith or the Republican senatorial candidate, without any further evidence, have demanded and obtained a recount? [Laughter and applause.]

Mr. WILLIAMS of Texas. The contention of the committee is that this straight Democratic ticket had the contestant's name on it. I will say for the information of the gentleman that the gentleman from Texas ran like all the other Democrats on that ticket.

Mr. SCHAFER. The gentleman begs the question, because he did not know how the ballots read until after the notary public opened the boxes, and then when all the other unauthorized persons were milling around with them. Mr. Kunz did not present evidence indicating that anything was wrong with the ballots until the notary public appointed by him opened the ballot boxes. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield seven minutes to the contestee in the case [Mr. Granata].

Mr. GRANATA. Mr. Speaker, to-day this honorable body assumes the rôle of jury and I the rôle of defendant. Fate has placed me not only in the rôle of defendant but has directed that I act as defender of my honor, character, and destiny. Ladies and gentlemen, I appeal to you as jury to cast aside all manner of prejudice, the bias of partisanship, and judge me and my case on its merits alone.

All of you have heard of the contest being carried on by my opponent for my seat. The newspapers have carried from time to time scandalous stories of the alleged conduct of the election in my district, of the alleged frauds, and of the doubtfulness of my character, all made by the gentleman who is my contestant in this matter. I have deliberately abstained from making countercharges in the newspapers, because I thought it did not comport with the dignity of a Member of this honorable body; and, ladies and gentlemen, I do not now prefer to put on trial the character or reputation or integrity of the contestant, because I sincerely believe it is entirely irrelevant in so far as the contest is concerned. Suffice it to say that only in justice to my honor not one single charge or statement made by the contestant respecting my character and honor has been proven or attempted to be proven, and there has not been one single word of testimony submitted to substantiate the scandalous charges that have sought to leave my name stained and discolored.

Ladies and gentlemen, I appeal not to your sympathies but to your American spirit of fair play to consider and weigh this case simply and purely on its merits, free from the mire of unsubstantiated charges and accusations. The waters of this contest have been muddied through a nasty and vicious whispering campaign, so as to create prejudice, but I appeal to you to consider the true issues as presented in the briefs and the report of the minority in this matter.

If the Members of this honorable body accept the majority report of the committee you are voting an authorization to every dissatisfied and disgruntled opponent that you defeat in your respective districts to make scandalous charges, unsubstantiated, appoint a prejudiced notary public, to subpœna the ballots under conditions and restrictions dictated by him alone through his rubber-stamp notary, and there do with those ballots any act of magic he may be equal to perform. And you, ladies and gentlemen, will be obliged to accept that mysterious report of a prejudiced notary public as the true and correct count of the votes in your district. That is exactly what has happened in this case.

The inviolability of the ballot box, that has been so carefully protected by statute in every State of the Union, will thus be shattered, and duly elected Members of this House of Representatives will be at the mercy of a notary public. Certainly, ladies and gentlemen, that was not the intention and spirit of the act passed here in 1851.

In the State of Illinois alone, where this contest is being eagerly watched, I prophesy a contest in every single congressional district. The precedent would be dangerous to the security of all Members and would invite contests throughout the entire country. If established by your action in this case, it will return as a boomerang to injure some of you some day.

The majority report states that if the straight Democratic ballots were counted for Kunz it would make enough difference to show him elected, but remember this hand-picked notary public himself decided what constituted a straight Democratic ballot, and the printed record proves that a majority of these so-called straight Democratic ballots were also marked for me, which, under the Illinois law, should actually have been counted for me instead of for Mr. Kunz.

In conclusion, ladies and gentlemen, my fate in this case rests solely in your hands; you alone have the power to say what my destiny shall be; you determine whether I was duly elected and am entitled to retain my seat in this honorable body as a public servant or once more become a humble citizen, to build over again the ambitions which I have worked for and striven to achieve since my early youth.

I sincerely hope that party loyalty will not sway you from the right and from the course of justice as to the merits of my case, but that you will vote only as your conscience directs, and this as you would have others do to you were you the unfortunate victim of circumstances entirely beyond your control. With this I leave myself entirely in your hands. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Speaker, I think perhaps enough has been said about the procedure by the contestant in this case. It is perfectly clear that in the presentation of his case, or the lack of presentation of his case, the contestant violated the law relevant to election contests in this House and the rules of the committees of the House itself in relation to such contests. Not a word of testimony, not a scintilla of evidence was taken in this case within the time prescribed by law.

Mr. Speaker, I think I may lay claim to some lack of partisanship with reference to my action on committees on election contests. I was a member of the committee which brought in the report in the case of Gartenstein against Sabath. Judge SABATH and Mr. Kunz are both old-time Democratic leaders on the West Side in the city of my birth. I have known them for years. If anybody had any bias or feeling, perhaps I might have had it; but in the Gartenstein case, as in this, the contestant, Doctor Gartenstein, against Judge SABATH absolutely failed to bring in any evidence in the time fixed by law and by the rules of the House. He had pretended to have had a recount by a notary public, and on the basis of that count he sought to have our Committee on Elections No. 3 declare him seated. We brought in a unanimous report by the committee, of which the Repub-

licans had a majority of 9 to 6, and we retained Judge SABATH as a Member of this House. That case is on all fours with the present case, and this should be treated like it.

Some reference has been made to the case of Ansorge against Weller. I have the report of the committee here in that case. About 70,000 ballots were counted by agreement of the parties, and the record shows it was so done. Then the committee came to the House, as appears in the RECORD of March 31, 1924, page 5271, and asked the House to pass a resolution under which authority would be given the Committee on Elections No. 1 to have brought down to Washington some 800 contested ballots in order that the truth might be learned with reference to these contested ballots. The ballots were brought here, and the Republican committee in Ansorge against Weller brought in a report in favor of the sitting Democratic Member, Mr. Weller, and against the Republican contestant, Mr. Ansorge. There is no precedent anywhere in any of the election cases in this House under which a notary public may proceed to count the ballots, under which he has any authority to count ballots. His only authority is to bring before him witnesses and to issue subpœnas for witnesses and subpœnas duces tecum for papers and documents, and those documents are to be brought before the notary public, and the notary public is to certify them to the House or to the committee of the House, and the committee of the House then determines their probative worth and effect.

I will tell you how this recount was handled. It happens that I was home last summer. I knew what was going on. Here is a man, a notary public, who was selected by the contestant himself, who proceeds with all of the arrogance of any man of small tyrannical power, in utter disregard of the rights of anybody but the man who hired him and paid him for his services. He proceeds to have a count, in what manner? We are being told here, and the committee says in its report—

> The board of election commissioners began the count of these congressional ballots.

The board of election commissioners never conducted any count of these ballots, and the committee or whoever wrote that sentence ought to apologize to the House for misrepresenting the facts by saying that the board of election commissioners began the count of these ballots. The board of election commissioners of Chicago never had anything to do with this alleged recount. Judge Jarecki, the county judge, never had anything to do with it. You have heard the telegram which he sent to Judge GIFFORD. You have also had read to you by Mr. ESTEP, of Pennsylvania, what the record shows. The judge himself says in this hearing that the board of election commissioners and the county judge had nothing to do with this recount. He said in fact:

> I am here only as a spectator; I have nothing to do with this. You will have to have your own counters and tellers. This is not our contest; the only thing is, we are the custodians of these ballots, and we will let you take them. When we say "we," I mean the election commissioners and all the employees down there.

It is idle to try to clothe this recount with any kind of judicial authority. It had none. It was purely the action of the contestant and of his notary public and the men they selected to conduct this count.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. GILBERT. In the case just cited by the gentleman in which the notary did the counting, was the notary selected by agreement?

Mr. CHINDBLOM. The gentleman means in the case of Ansorge against Weller?

Mr. GILBERT. Yes.

Mr. CHINDBLOM. There were two notaries. The notaries and the parties and their attorneys all agreed on the count. I will tell you how this count out there in Chicago was had. There was no tally made. These men were hired by the notary public. The chief clerk of the election commissioners brought in the ballot boxes. At first they had 5 tables and then 10. They were spread out over a big room that was filled with a large mob of people. A ballot box would be brought in. It would be opened. The ballots would be spread out on the table and these so-called counters or talliers would proceed to pick out these ballots and lay them in piles, saying, "There is a Kunz ballot, there is a Granata ballot, there is a Kunz ballot, there is a Granata ballot, and here is a ballot that somebody objects to, and we will lay that over there." Then the notary public would come around and he would say, "In this first precinct of the twenty-fifth ward what did you find?" and the notary would say, "We found so and so. In such a precinct we found so many votes for Granata and so many votes for Kunz." The notary public himself did not check it over. He knew nothing about it. Only these men who had been selected by this notary with the consent of the contestant knew. They pretended to count the ballots in the manner I have indicated, and then they come down here and say they have an accurate count, and the record shows that there were over 6,000 ballots to which objection was made by Granata or his representatives, to which objection no attention was paid.

The gentleman from North Carolina [Mr. KERR] and the gentleman from Texas [Mr. WILLIAMS] talk a great deal about these so-called straight ballots. Gentlemen from the large cities will understand me better when I refer to some of the conditions in this congressional district. This eighth congressional district of Illinois, when I came to the House in 1919, was represented by Hon. Thomas Gallagher, whom many of you will remember. When Mr. Gallagher came here as a representative from that district the district was overwhelmingly of Irish population. There was a time when that district had 75 per cent of Irish population. Then the Poles began to move into the territory. Mr. Kunz was a leader of the Polish people, particularly among the Democrats. He was an alderman in the city council and he was State senator at Springfield, and I think at one time he held both positions at the same time, which he was permitted to do under our law.

With his Polish population Mr. Kunz sought to replace Mr. Gallagher. The Polish population grew. At one time they constituted 60 per cent of the eighth congressional district; and Mr. Kunz grew in power; the Poles elected him and he came here. Then that nationality began to move out of this district and the Italians began to come in, and they began to get the power. Slowly they began to supplant those of Polish nationality who had held office in Mr. Kunz's congressional district until Parillo, an Italian, brought a contest here against Kunz on the ground that he had been elected. To-day 50 per cent of the population of that district is Italian, about 15 per cent is colored, and about 35 per cent still remains Polish.

Now, do you understand why that territory changes representation. Why, in the last congressional election in that district the Italians ran one of their people for the Democratic nomination against Mr. Kunz; and they ran Mr. Granata, one of their own folks, for the Republican nomination? Mr. Kunz managed to win out over his contenders in the Democratic Party, but Mr. Granata was nominated on the Republican ticket. Thereupon these Italian people turned around and voted for him for Congressman, although they voted the straight Democratic ticket for every other office. That is the secret of it.

Talk about straight ballots! I have served on boards of election where a situation like this has arisen. It is very customary for judges and clerks of election to take ballots which contain the name of only one specially marked candidate and count them as straight party ballots, and then count the single candidate's votes specially, merely as a matter of convenience. For instance, a voter may place a mark in the Democratic circle and make no further mark except a cross opposite Mr. Granata's name. In that way he has voted the whole Democratic ticket with the exception of the vote for Member of Congress, and for that office he voted for Mr. Granata. These judges and clerks—and I

know it within my own experience—will consider such ballots as straight ballots with the single exception of the one vote which is cast for some particular candidate.

Mr. GILBERT. Will the gentleman yield?

Mr. CHINDBLOM. I can yield for a very brief question only; I have not much time remaining.

Mr. GILBERT. I am seeking the light. In the tenth precinct of the twenty-seventh ward, referring to these straight ballots, all the other Democrats got 316 votes; Mr. Kunz got 5. Do the conditions the gentleman has pictured apply to the situation existing there?

Mr. CHINDBLOM. I will say to the gentleman that back in the days of 1915, when that territory was controlled by Mr. Gallagher and his friends, I was a candidate for circuit judge. In the first precinct of the old nineteenth ward every candidate for judge but one got 250 votes on the Democratic side. There was one Republican candidate living in the immediate vicinity. He got 250 votes and one of his Democratic opponents got only 13 or 14 votes. That is what the Democrats did in that case. That is what happened in those days. It is the easiest thing in the world to split a ballot; and that is being done in these precincts.

Now, what are the facts with reference to this eighth congressional district? I told you that the population is changing. It has become largely Italian in nationality. In the last few years this is what has happened: That nationality has elected 2 Republican ward committeemen and 1 Democratic ward committeeman; it has elected 4 representatives in the general assembly at Springfield and it has elected 1 State senator; it has elected 1 alderman in that eighth congressional district, all of the same nationality, because the people of that nationality stand together.

They were ambitious to send this young man to Congress. I dare say they might well be proud of him. His name was on the Republican ticket. They voted the Democratic ticket straight and then crossed over and marked their ballots for him. Then immediately my good friend Mr. Kunz concludes there is some skullduggery, something wrong, because he did not get those votes. Well, I dare say there may be other surprises in that congressional district yet. [Applause.]

[Here the gavel fell.]

Mr. CAMPBELL of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. TILSON]. [Applause.]

Mr. TILSON. Mr. Speaker, in the five minutes allotted to me I shall not attempt to analyze the evidence in this case. That has been done very thoroughly by others. As one of the older Members of the House I wish to say just a few words as to the importance and meaning of these election contests.

To Mr. Granata, the contestee, this contest means whether, as the record shall stand for the future, he shall stand recorded as having been elected to the Congress of the United States. To him it means whether the ambition he had entertained and which he supposed had been fulfilled shall be here nullified and brought to naught. It means, as he has so well said in his remarks, an important change so far as his destiny is concerned. All of this is important and should be considered, but even this is not the most important point. A greater point still is the future effect of a wrong decision in a case of this kind made upon insufficient evidence or lack of evidence, as clearly appears in this case. The precedent thus created will rise up from time to time to plague those who follow after us.

I regard it as one of the most solemn duties of a Member of Congress to pass upon the right of one of his colleagues to a seat in this body. After an election has been held, after the duly appointed officials authorized to hold the election have performed their duty, and the governor of a State has sent a certificate here to the effect that one has been elected to this body, for us to then, by a simple resolution, nullify the entire proceeding, to destroy the efficacy of the certificate upon which a Member has taken his seat, is surely a very solemn responsibility. It ought not to be done except upon the most serious consideration. Before doing it our minds should be clearly convinced that it would be unjust to allow the sitting Member to retain his seat here.

If we should unseat the contestee in this case upon the very flimsy evidence we have here, we shall have decided the right of a Member to a seat in this House practically upon an ex parte proceeding. Without judge, jury, or even the form of a court we shall have decided that the certificate through which this Member holds his seat is null and void.

It seems almost beyond belief that through the appointment of a notary public by the contestant, this notary should be given the power to count the ballots, and in doing so to exercise his own discretion in overruling any objections that might be made by the contestee or his attorneys. In other words, a partisan notary public named by the contestant at his own sweet will decides what ballots he will count and what ballots he will reject. Apparently this partisan friend of the contestant, named for the purpose, had the power to determine that thousands of ballots should be thrown out if they were favorable to Mr. Granata, or should be counted if they were favorable to Mr. Kunz.

If the ballots in this case had been brought to Washington and a committee of our colleagues sitting upon the case had examined them, then we should bow gracefully to the decision arrived at by the committee, because we should then know that the case had not been conducted solely along partisan lines, but that at least the contestee would have colleagues of his own party to see that he had a fair hearing.

Mr. TARVER. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. TARVER. Does the gentleman believe it would be of any benefit to the House in arriving at a correct decision in this case if it should now recommit this matter to the committee with instructions to procure and consider those ballots?

Mr. TILSON. That would be far better than the course now proposed, that of unseating a man on the flimsy evidence here presented. Unless the contestee can be given his seat, as it seems to me he should be on the record in this case, then by all means the matter should be recommitted and have all of the ballots counted, because I believe this House would prefer to fairly arrive at the truth as to who was the real choice of the people in this congressional district. [Applause.]

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield three minutes to the gentleman from Maine [Mr. SNOW].

Mr. SNOW. Mr. Speaker, I have been a Member of this body for three years, and during that time I have not uttered one partisan word on the floor of this House, and I am not going to to-day but am simply going to attempt in my humble way to appeal to the fairness of you all. I strongly believe in the two-party system; and, while I disagree at times with the views of you gentlemen sitting on the right-hand side of the aisle, yet I hold each of you individually in the highest esteem.

The control of the House does not hinge upon the vote about to be taken here in this contested-election case. Beginning with the death of our late lamented Speaker Longworth, the angel of death called enough Republican Members to their eternal home to turn a slight Republican majority into a Democratic majority, and as a result the Hon. JOHN N. GARNER was elected Speaker. I left a sick bed and traveled 700 miles in order to be here to vote for the Republican nominee, Hon. BERTRAND H. SNELL, and have been chided good-naturedly since by some of my Democratic friends as being very partisan. Let me say at this point that that was a proper time to show loyalty to your party, although I can assure you that I derived no personal pleasure in voting against my honored friend JOHN N. GARNER. Furthermore, before the election of a Speaker, a gentlemen's agreement was made to the effect that no matter what happened, after the Speaker was once elected, there would be no change during the entire Seventy-second Congress. This agreement is not binding legally, but it is morally, and I can simply say to my Democratic colleagues that, if by death or

resignation, the Republicans in this House were suddenly placed in the majority and any attempt was made to oust our present Speaker, I would vote for the Hon. JOHN N. GARNER until hell cracked.

Another situation confronts us to-day, and from my viewpoint there should be absolutely no partisan politics played. It simply involves the individual rights of a citizen of the United States who, on the face of the returns, was elected by approximately 1,100 votes, received his certificate of election, and has been sitting here with us from the opening day of Congress. He is entitled to every fair consideration from each individual Member of this House, be he Republican or Democrat. In my opinion—and I say it with all due respect to the five majority members of Elections Committee No. 3—Mr. Granata has not received this fair consideration from that committee. Their decision is based wholly on the report of a partisan notary public, selected by the contestant, Mr. Kunz. If you have taken time to read the report, you can come to no other conclusion than that it was a horrible travesty from start to finish.

Has the time come when a duly elected Member of the House of Representatives can be ousted from his seat by a report of a notary public? I hope not.

In closing, let me appeal to your justice, to your fairness, to your sense of right. Mr. Speaker, if Peter C. Granata is unseated here to-day, simply on the strength of the report of a partisan notary public, it will be so rotten that it will smell to heaven. [Applause.]

Mr. GIFFORD. Mr. Speaker, may I ask the chairman of the committee if he will not put on the next speaker?

Mr. KERR. As I understand, the contestant is entitled to the closing speech.

Mr. GIFFORD. The gentleman from Iowa [Mr. CAMPBELL] gave notice this morning he would offer a motion to recommit and asked unanimous consent to do that, which request was granted. It does seem to me his motion to recommit should immediately follow his remarks.

Mr. KERR. Is the gentleman from Iowa [Mr. CAMPBELL] the only one who is to speak on the gentleman's side?

Mr. GIFFORD. The gentleman from Iowa [Mr. CAMPBELL] would like to speak, but he would like to be the last speaker because he is going to offer a motion to recommit. Do I understand that the chairman of the committee refuses to put on the next speaker now?

Mr. KERR. The contestant is entitled to the opening and the closing, and we have but one more speech on this side.

The SPEAKER pro tempore. The Chair understands that the contestant is entitled to close the debate.

Mr. GIFFORD. Mr. Speaker, I therefore yield the remaining 12 minutes to the gentleman from Iowa [Mr. CAMPBELL].

Mr. CAMPBELL of Iowa. Mr. Speaker, I personally have taken a little different position from both those who signed the majority report and those who signed the minority report.

As the gentleman from North Carolina [Mr. KERR] has well said, the election of a Member of Congress is a vital matter in our political structure. It is a vital matter to pass upon the unseating of a man who has a place in the Congress. However, the committee well knows the position I have always taken in regard to these contests.

During the days of William McKinley, he was elected to this House by a majority of 11 votes. It was a Democratic House, and a subcommittee of the original committee was appointed to investigate the election returns, and in that election contest the chairman of the subcommittee, who was a Democrat, brought in a report seating McKinley. He brought that report out here on the floor and argued in behalf of the seating of McKinley. During the course of that debate a Democrat arose and said, "So far as I am concerned a Democrat is a Democrat, and I think all the Democrats ought to vote for a Democrat, and McKinley is a good fellow to get out of this House," and the Democrats unseated him.

Mr. Speaker, I do not believe that of the present Democrats of this House. I believe the present Democrats of this House are absolutely fair, and I believe they are going into this case just as far as they can and get all the evidence they can before they finally come to a conclusion.

I want you to pardon me if I tell you personally my position on this Elections Committee, and I want to talk to the Democrats as Democrats. I am not talking to the Republicans, I am talking to the Democrats.

When I was first selected or appointed a member of the Elections Committee, it was not solicited by me, and the first case we had was a contest from Texas, Mr. Wurzbach against Mr. McCloskey. I felt somewhat uneasy about that contest, for within myself I knew that if I found that McCloskey was elected I was going to vote for McCloskey. I went to the chairman of our committee and I told him my position in the matter. I said, "If this is a partisan matter, I have no business on the committee"; and he said, "You stay on the committee."

I want you Democrats to get this—and there are members of the committee sitting here who can vouch for what I say: During the course of that contest there was evidence of fraud sufficient for a majority of the Republicans on the committee to find in their own minds that Wurzbach was elected, and they wanted to pass a resolution for the unseating of Mr. McCloskey without going into the ballot boxes. The Democrats objected. I remember the position of the little fellow from South Carolina [Mr. HARE], and I thought he was right and I said, "It looks on the face of it that Mr. Wurzbach was elected, but at the same time I have pledged myself to go just as deep into this as possible, and this is a vital matter to our country, and I am going to vote with the Democrats." We took a vote on whether to look into the ballot boxes or not, and, against the objection of the Republicans, who brought their pressure on me, with another Republican on that committee, we voted to go into the ballot boxes and to go as far as we could to find out everything there was there; and I remember well when I went out of there, the gentleman from South Carolina patted me on the back and said, "I am glad we have got a fair and square man here from the Republican side."

Now, I want to say to the same gentlemen at this time—I want to say to the Democrats—I only ask you to be as fair in this contest here as I have been with you, and as long as I sit on the committee—I hope in the future I shall show it—as long as I sit on the committee I shall not know a Democrat and I shall not know a Republican. [Applause.]

Mr. HARE. Will the gentleman yield?

Mr. CAMPBELL of Iowa. I yield.

Mr. HARE. I want to corroborate what the gentleman from Iowa has said, and I want to say that at the beginning of the hearings I found myself very much in accord with his proposition in regard to the case he refers to and also in the case at bar. I, as one member of the committee, would have been very glad to have the ballots in this case counted; but the gentleman will understand, and the gentleman from Iowa knows, that when I questioned the attorneys they answered in response to an inquiry from me that the ballots under present conditions could not be relied upon; and then I felt that it would be unfair, both to the contestant and the contestee, not to take the word of the counsel representing both Mr. Granata and Mr. Kunz, as to the counting of the ballots.

Mr. CAMPBELL of Iowa. Now, Mr. Speaker, I like the position of the gentleman from South Carolina. He is fair. But I want to give you this thought as to the question of the integrity of the ballots: There is no evidence of the fact that they are not as well preserved now as they were at the time of the count. In other words, if these ballots were ruined, they were ruined when? They were ruined prior to the time they were counted. I do not care what the statements of the attorneys are in this case, I say to you gentlemen on this side and I say to you gentlemen over here, that if you want to go down to the bottom of this case the only thing you can do is to get at the ballot boxes.

Now, the record shows that the reason they called them "straight ballots" was because there was a cross in a different pencil mark than the one opposite Granata's name.

Those ballots are there now. There are a lot of ballots marked in front of Granata's name that they claim is different from the marks in the cross.

Mr. GAVAGAN. Will the gentleman inform us what became of the ballots after they were counted by the notary public?

Mr. CAMPBELL of Iowa. There is no evidence of that. They are supposed to go back into the vault. They are supposed to be taken care of in accordance with law; but, as I have said, why not give us a chance to look into those ballot boxes?

You say the contest was a fair contest. I will show you what kind of a contest it was. Why, do you know that the reporter that came there for Mr. Kunz, a court reporter, in the process of that examination that took place there, they even stopped Granata's commissioner from making objections. I want to read you something. The question came up in regard to these marks on the ballot, and the commissioner for Mr. Kunz would say, "The pencil mark is not right; it does not coincide with the other mark."

Granata would say it is all right, and then what happened? The reporter was instructed by the commissioner and Mr. Kunz not to take down the statements that were made by Granata; and I will show you here in the record exactly how it reads, and I will show you the part that Kunz took in this, which no Democrat here will approve of. Mr. Kunz must have been sitting up at the table. Here is the regular reporter sitting here, and here is the judge sitting over here, and here is Mr. Kunz. Mr. Euzzino tried to make some statement. He said, "Let the record show"—and then the commissioner for Kunz, that is, his notary public, said, "I instruct you, Mr. Reporter, to disregard any statements made by the commissioner for Mr. Granata." Not only that, but Mr. Kunz, sitting up there at the table, at his own election contest, and the reporter was supposed to come from the court, not from Kunz, said, "I have instructed our stenographer to take nothing put in here by them."

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. KERR. Mr. Speaker, I yield the gentleman one minute more in order to ask him a question. The gentleman will remember that Euzzino was elected by Granata as his commissioner.

Mr. CAMPBELL of Iowa. That is correct.

Mr. KERR. Why did not Euzzino, in his time, after Kunz had taken evidence, bring in some evidence for Granata?

Mr. CAMPBELL of Iowa. That is a fair question, but the gentleman well knows that he did not do it. He well knows that he was standing on the proposition that we, as Members here, as members of this committee, should be the ones who would pass on this matter, and I want to go a little further, and I will tell you that they took down stenographic reports on their side, and they brought them down here, but the Clerk only filed the original report.

The SPEAKER pro tempore. The time of the gentleman from Iowa has again expired.

Mr. KERR. I yield the gentleman two minutes more.

Mr. CAMPBELL of Iowa. Just one more matter, and that is the question of erasures. In order to have straight ballots, I will show you from the record that Granata's men said, "Here is the ballot, and this shows there have been erasures here and Granata has been written in the ballot and erased." That was the claim by Granata's men, and it was claimed on the other side that that is not so, that it was just a blur. And you say to us that we are not to go into those ballots? I have sat on election contests time and again in the State legislature; and when it comes to a question of fraud, when it comes to substituting the name of Granata and erasures on these ballots, do not you believe it that we will not find it out, and that is the reason I come here before this body and say that we have not finished our job. It is a vital matter to the country and to every one of you people here, and I only ask the gentleman from South Carolina to be fair when he comes to vote to-day. They will say to you, "Oh, the integrity of the ballots," but do not let them get you on that.

Mr. HARE. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Iowa. Yes.

Mr. HARE. I merely rise to say to the gentleman that I shall be fair in my vote.

Mr. CAMPBELL of Iowa. I think the gentleman will be. They say that we have not the time. They said the same thing when I voted with the Democrats—the Republicans did. They said, "What is the use of getting those ballots? We are rushed here in the session, and the thing for us to do is to get our business finished up. We have the fraud and let us go." I say, "No; I am going to vote with Judge KERR and with Mr. HALE," and I voted with them, and I shall vote with them again, only when they are right. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Iowa has again expired.

Mr. KERR. Mr. Speaker, I yield 45 minutes to the gentleman from Arkansas [Mr. MILLER].

Mr. MILLER. Mr. Speaker, it is a matter of very little concern as to who is seated here from an individual standpoint. From the standpoint of the integrity of the House and the standpoint of the national interest involved, it is a matter of considerable moment. When any man comes to this House, be he Republican or Democrat, he should come here with a credential that is spotless, with a credential that is not stained with fraud, with a credential against which no man can say aught. In this case it matters not to me whether this district is composed of Polish people, Italian or whatnot. I take it that it is composed of American citizens, and that American citizens have a right to representation in this House, that the will of the majority of the citizens in that district should prevail. The only question here is, What did happen, what is the will of the majority? It is not whether Mr. Kunz is a Democrat or whether Mr. Granata is a Republican. I say to you it matters not to me. It is true that I have not been here long, but I want you to believe me when I say to you that I do not look at this question from a partisan standpoint. Every contest, every trial in a court of justice, every contest that is waged in this House, should have only one end in view, and that end should be to determine the facts, and once the facts are determined then the House in its wisdom and in its patriotism can render a just judgment. That is all that anyone has a right to demand, it is all the contestant has a right to demand, and it is all the contestee can ask.

What are the facts in this case? We have the unofficial returns showing Mr. Granata elected by thirteen hundred and some-odd votes. Mr. Kunz filed a petition before the board of election commissioners alleging certain irregularities. Mind you, under the laws that election commission could not go behind the returns, could not go behind the tally sheet. They were convened, and they had before them certain judges and certain clerks. The result was that the majority was reduced to 1,171. Those election commissioners found that in one ward the election judges in making the returns had failed to certify 100 votes to Kunz. In other words, they had certified the Kunz vote as 94 when it should have been 194. That fraudulent act was shown.

It is admitted that the judges and clerks in another precinct made the return show Kunz as having only 12 votes when he should have had 62; and in another case the testimony showed another hundred votes failed to be given to Kunz, to whom they belonged. Upon that the election commissioners did everything that they could do; they did their duty. They could not go into the ballots; they could not examine them. The only thing that they could do was to correct the patent errors that appeared upon the face of the returns; and that was what they proceeded to do. That reduced the majority to 1,171. Then this contest was filed.

A great deal of argument has been made that there is no testimony here to warrant the opening of the ballot boxes. I want to say to you that fraud vitiates everything it touches; that the uncontradicted testimony and the uncontradicted record in this case are that there was fraud committed by the judges and the clerks.

That was revealed in the hearing before the election commissioners. Lawyers answer back and say that is not a part of this record. I answer back and say that the record was made by the contestee. On page 20 of the record, in his answer to the petition of contest he invoked that hearing before the election commissioners and made it a part of it, thus bringing into this record the testimony that was taken before the election board. Then what happened? On the 23d day of January a subpœna had been served—and that was the day for the beginning of the taking of testimony; and then it was that they were met with a restraining order holding these ballots intact and preventing anyone from interfering; that prevented anyone from opening the ballot boxes. Mind you, this order was not against the contestant, it was against the election commissioners and anyone else. They talk about time expiring! I say to you, Mr. Speaker, that beginning on page 23 of the record and continuing down to page 146 you will find 33 different appearances by the attorneys representing the contestant in this case striving to get action, striving to get testimony, and confronted at every turn by dilatory tactics and by orders, writs of prohibition, and writs of injunction issued by the courts. That is why the delay happened. And, finally, we find this happening: Judge Jarecki, who is the county judge in that county, set aside his order, released his order so as to permit the opening of those ballot boxes. Then what happened? We find the contestee going before Judge Brothers, a circuit judge, and obtaining a writ of prohibition. That procedure took place on September 2. The contestant went before Judge Brothers and in an ex parte proceeding and upon only two hours' notice to attorneys, Judge Brothers issued a writ of prohibition prohibiting anybody from touching those ballots, and then left on a vacation until the latter part of September.

The next day the matter came on before Judge Trude upon the petition of the contestant for the dissolution of that order, and I quote you now what Judge Trude said:

> Now, in this case, I seriously doubt that Judge Brothers, if you had had a chance to argue before him, I seriously doubt that he would have granted this writ. The result has been that it has tied up the election commissioners from proceeding with an ordinary proceeding. It is an unfortunate proceeding in my judgment that another judge should enter a writ of prohibition against the election commissioners preventing them doing what they by law are bound to do. Now, as to the right of Granata in this matter as indicated in my discussion with Mr. Libonati, his rights can be protected if Mr. Kunz has failed in any respect to do what Congress required him to do in respect to conditions precedent.
>
> Congress may act accordingly and take such action as in its judgment they see fit.

The judge then went ahead and set aside the order of Judge Brothers.

Then what happened? It looked as if the coast was clear for further action. On September 4, the next day, for some reason or other the contestee did not want the ballots opened; he did not want a recount for some reason or other, and on September 4, what do we find? We find him going before the United States district court in the city of Chicago, before Judge Barnes, and filing a petition for a writ of prohibition. That judge heard the case, and after hearing the arguments in full rendered the opinion which is in the record. In the course of that opinion Judge Barnes dismissed the writ of prohibition and said that under the law the contestant had a right to have those ballots examined, to have those ballots counted, and the result certified to the Congress for its action. That was the solemn opinion of Judge Barnes, of the district court in the city of Chicago. But what else happened?

Mr. BURTNESS. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. BURTNESS. With reference to the matter of the commissioner acting, has he any greater power than simply to take the testimony, certify it, and transmit it to Congress?

Mr. MILLER. I will get to that later.

Mr. BURTNESS. I am very anxious to know whether he has any judicial power.

Mr. MILLER. I will answer that. After the proceedings in the district court of the United States were dismissed, then they proceeded to have hearings before the two notary publics. And let me say this to you about these two notary publics: Under the statute of the United States the contestant has a right to select a notary public; the contestee then has a right to select a notary public and they act in conjunction. That is the statute. Then these two notary publics started in to have a count, and what do we find happened? That was on September 11. Kunz was there, Granata was there, and they were all represented by attorneys. They delayed the matter, through first one way and then another, until another petition could be filed before Judge Feinberg, one of the circuit judges. Then what happened? Several hours passed and another petition was taken up before Judge Normoyle, another circuit judge, and finally, when every avenue of escape from a recount had been tried, and when everything had been resorted to, then it was that they went into this hearing with this brazen statement that the whole thing is a matter over which you have no jurisdiction, the time has expired, and we simply object to proceeding any further at all. Talk to me about being fair.

Then we come on down to the recount. I want to call your attention to page 37 of this record. They talk to you about who conducted this recount. Let us see who conducted it. Chairman Maguire said:

> Immediately after the adjournment the board of election commissioners met with the attorney for the board.

Now, the attorney for the board was Governor Dunne, of Illinois, and, mind you, the first thing that happened when the subpœna duces tecum was issued and served upon this board to produce those ballots they asked for a legal opinion from Governor Dunne as to whether they should respect that subpœna, and he said:

> Yes; you have to obey that subpœna under the penalties contained in the statutes of the United States.

Chairman Maguire then said:

> On his advice, the board has agreed to go ahead and submit itself to the questions of the commissioner in regard to this contest and, in so far as the ballots or records are concerned, the board of election commissioners simply takes the stand that its records are to remain—

Listen to this, gentlemen—

> in their custody while any examination is being made.

Then Governor Dunne said:

> And not to be handled or touched.

Talk to me about this muscling around there; of these strong-arm methods. I want to say this to you, and the record bears me out, that the strong-arm methods that have entered into this case came from the watchers of the contestee, as I will show you later. Governor Dunne said, further:

> And not to be handled or touched by anybody else but the board.

Who was doing this counting? Oh, it is said that the notary public was doing it. The board of election commissioners had charge of this thing; and, as Governor Dunne announced at the very beginning, the ballots were to remain in their custody and not to be handled by anyone else.

Now, what else happened? The count started. Let us go to page 80 of the record. So much confusion has been created that Judge Jarecki found it necessary to intervene through his judicial powers and restore order. Here is what happened. Here is what Judge Jarecki, ex officio chairman of the election commissioners, said:

> Now, in view of the fact that Congress will not convene until December, you have ample time to get your matter out of the way and, in view of the fact I have this contest pending—

This was a contest, gentlemen, that was pending with respect to certain municipal judges. Let me stop here long enough to say that at this time there were pending in the city of Chicago two contests for the office of municipal judge and all the ballots in the entire Cook County had been enjoined under that contest, and that was the contest that Judge Jarecki is speaking about when he says that he had to take care of the other contestant. Then he says:

I do not want to list an order, because it will complicate matters on these contests and, in view of the fact that I am going to be able to dispose of it within a very short time now, I do not want to complicate it. If it had not been for the other work of this court—namely, the tax matters—we probably would have had this out of the way quicker.

Mr. LAVERY. I ask another question: If your honor releases the impounding order, so far as our case is concerned, as your honor suggested informally on the bench one day, it might be possible to put this district on as one unit in the municipal judges' contest.

Judge JARECKI. Yes.

Mr. LAVERY. Would that be a practical way?

Judge JARECKI. It would seem to me that would be just as good as any. If we come to that point, when the judicial contest is on, the McKinley versus McIntyre contest—

That was a judicial contest—

because that seems to be the only one, and I say that you are going to go ahead, then, such time as you find it convenient for you to be there, on that day I would say those precincts in which your district is located would go on the table at a certain time so that you could be present.

In other words, the ballots were impounded in the judicial election contest and as that contest proceeded, and when they reached a ward or a precinct in the eighth congressional district the ballots of the eighth congressional district were turned over and counted in this contest. Talk to me about the integrity of these ballots being destroyed, this is what happened.

It has been argued here by the gentleman from Illinois [Mr. CHIPERFIELD] in a very forceful argument, that there is no testimony here as to the integrity of the ballot being preserved up to the time this contest was instituted. I want to say this in reply, the gentleman spoke without any knowledge of the record.

I want to turn now to page 86 of the record and quote you what Mr. Tyrrell, the attorney for the contestee, said about the integrity of the ballots up to that time. This was at a time when he was appearing before Judge Brothers in an effort to have another writ of prohibition granted immediately before the recount started, and here is what Tyrrell said at that time, and mind you, Tyrrell is the attorney for the contestee:

So far as the contestants in the city for the eighth congressional district are concerned, this is between Peter C. Granata, the successful candidate, and Stanley Kunz, the defeated candidate. No harm can come from a continuance in any way.

At that time they were claiming that no harm could come and now they are claiming harm did come because they did not proceed within 40 days allowed under the statute.

No harm can come from a continuance in any way, because of the fact that if he has any rights they can be protected at the proper time, the time when the ballots will be recounted, and so he can not be hurt.

And listen to this on the integrity of the ballots that the gentleman from Illinois talked about so eloquently. Here is what he said:

We are keeping the integrity of the ballots preserved, and they will remain intact and in the hands of the committee appointed by Congress.

Mr. CROSSER. Who said that?

Mr. MILLER. Mr. Tyrrell, the attorney for Granata. Talked about blowing hot and cold——

Mr. GIFFORD. Will the gentleman yield there?

Mr. MILLER. Yes.

Mr. GIFFORD. May I suggest that the harm had already been done. They had waited six months and it would not do any harm to wait eight months because the harm had already been done.

Mr. MILLER. I agree with the gentleman that six months had expired, but who had caused that time to expire?

Mr. GRANATA. Will the gentleman yield?

Mr. MILLER. No.

What more could Kunz have done or any other contestant facing the conditions that he was facing there?

Mr. BOILEAU. The gentleman does not claim it was Mr. Granata's fault that there was delay there?

Mr. MILLER. Yes.

Mr. BOILEAU. Were not the ballots tied up in another contest?

Mr. MILLER. Yes; but the record further discloses the fact that the attorney representing Kunz and the attorney representing Granata made effort after effort to have the congressional ballots released, and mind you, gentlemen, this is an important point.

The congressional ballots were separate and distinct from the municipal ballots. In other words, the municipal ballots might have been enjoined, and the congressional ballots need not have been under the law. They were separate and distinct pieces of paper. The ballots for the municipal judges were separate from the congressional ballots.

Mr. SCHAFER. Will the gentleman yield?

Mr. MILLER. Not now. I will yield later. Now what else happened?

Now, I want to call your attention to page 247 of the record. When Judge Jarecki went back to the room where the examination was going on he there pointed out to them the procedure to be followed. He said in effect that whenever a box is opened—you have heard a great deal of talk about boxes coming in all unopened, with the covers torn off, and all that stuff—here is what happened. The ballot boxes were brought from the vault of the election commissioner into the room where the judicial contest was going on. The boxes were opened, and the ballots were taken out and laid on five tables. Who was doing that? The men employed by the Chicago election commissioners' office. Then what happened? If a box happened to be a box of the eighth congressional district it was carried over to another table, and men there took out the congressional ballots and proceeded to recount them. This was all in the same room, all at the same time, and the contestant and the contestee were there either in person or represented by attorneys or by watchers.

Mr. DOUGLASS of Massachusetts. Will the gentleman yield?

Mr. MILLER. I yield.

Mr. DOUGLASS of Massachusetts. In order to clarify the situation, is there any truth in the statement by the gentleman from Illinois that the recount was conducted by paid agents of Mr. Kunz?

Mr. MILLER. The recount was conducted just as the law of Illinois says that it is to be conducted. The law says—I am not a resident of Illinois, I am not as familiar with the Illinois law as the distinguished gentleman from Illinois is—but the statute was enacted by the legislature of Illinois, and in effect it says that in all cases of contested elections they have the right to have the ballots opened and all errors in the count revised and corrected by the court, and that such ballots shall be opened in the presence of the officer having custody thereof. Now, the custody of the ballots is with the clerk.

Mr. DOUGLASS of Massachusetts. And the clerk represented the election board.

Mr. MILLER. Absolutely; he was the only representative that could have been there, unless the commissioners themselves had gone in and sat through the examination.

There was not a box opened in this case that the clerk of the election board in the city of Chicago was not present.

Mr. SCHAFER. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. SCHAFER. You have stated what the law of Illinois requires—does the law or the decisions in election contests indicate that a count can be made by a notary public selected by the contestant?

Mr. MILLER. In answer to the gentleman let me say that at the time this contest was going on, when the ballots were being counted before the tribunal, not the court but the election commissioner, Judge Jarecki, was in the same room; the congressional ballots were opened and examined before this same tribunal.

Mr. SCHAFER. If the law of Illinois and the court decisions of Illinois do not provide for the counting of an election contest by a notary public, then why cite the decisions of the Illinois courts in your argument?

Mr. MILLER. I did not cite them. The gentleman from Illinois [Mr. CHIPERFIELD] did, in an effort to show that the

integrity of the ballot box had been destroyed at the time they reached the hands of Mr. Rusch, who superintended the counting of them.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. MILLER. In a moment. If the integrity of the ballots in the congressional contest was impaired, it was likewise impaired in the McKinley-McIntire contest proceeding in the same room, and we have the anomalous situation of Mr. Tyrrell representing the contestee saying that those ballots are all right.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. MILLER. Yes.

Mr. CHINDBLOM. Does the gentleman mean to say that John J. Rusch, the clerk of the election commissioners, superintended this count? Did he superintend the recount in this congressional case?

Mr. MILLER. I mean to say that he was present; yes.

Mr. CHINDBLOM. But Judge Jarecki says that neither he nor any of his force had anything to do with it, and I have a personal telegram from another member of the board of commissioners to the same effect, and the gentleman knows that.

Mr. MILLER. I do not care about any telegram. I am talking to you about the record.

Mr. CHINDBLOM. And so am I; and the record shows that Judge Jarecki said that neither he nor any of his force had anything to do with it; that the recount was conducted by a notary public.

Mr. CAMPBELL of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MILLER. Yes.

Mr. CAMPBELL of Iowa. The gentleman is not questioning the integrity of the ballots as they came before the commissioners and were counted, is he?

Mr. MILLER. I am not.

Mr. CAMPBELL of Iowa. Has the gentleman any records to show from any place that those ballots are not in the same condition now that they were at the time they counted them?

Mr. MILLER. I have not.

Mr. CAMPBELL of Iowa. Then why object to this Elections Committee counting those ballots also? Then we would know it was a fair count, because I am sure if Judge KERR and Mr. HARE were to count along with us we would have a fair count.

Mr. MILLER. Oh, there is no use of taking two bites at one cherry. These ballots have been counted. You have heard much about the disorder that existed there. I call attention to page 449 of the record. Granata is now speaking, not the contestee—his brother. He said:

All watchers for Granata, don't let anybody take any count of any ballots until I am there; sit on the ballots. Let the record show another mysterious sealing of the ballot box; that this is one of the ballot boxes of the thirty-third ward, a heavily Democratic ward, which was ordered mysteriously sealed by Stanley H. Kunz after many irregularities were observed.

Commissioner HOFFMAN. And a watcher for Granata was present all the time?

Mr. GRANATA. The integrity of the ballots is thus destroyed.

Yes; the integrity of the ballots was destroyed, and why? Because they were counting them. That is why he was claiming that the integrity of the ballots was destroyed. Mr. Speaker, I like to see orderly procedure, and if I have appeared zealous in this matter, it is not because of any personal interest that I have in the matter. I have been here only since the beginning of this session.

The few people that I have personally met I am fond of, but I say this to you in all sincerity, not from a partisan standpoint; I appeal to you from the standpoint of good citizenship, from the standpoint of the integrity of this House. Much has been said about the things that occurred, about the failure on the part of the contestant to take testimony to show fraud. Let us see why that was not done. Turn to page 535 of the record and let me call your attention to just one thing. Martin J. Solominski, a witness, was testifying, and here is what happened. He was a Republican judge of election that was called in for the purpose of showing the conditions that existed. Here is what occurred:

What capacity were you acting in at the polls of this precinct at the election?

Answer. Republican judge.

Mr. ZAIDENBERG. Object.

Commissioner HOFFMAN. What were your duties as Republican judge, Mr. Solominski?

The WITNESS. As judge of election—pardon me for not answering further questions; I just want to question the legality of this and whether it was really compulsory for me to come down here to-day.

Mr. ZAIDENBERG. Let me state you are under no obligation to answer questions of any kind. If you feel you do not want to testify and want to see counsel, I will ask an opportunity for you to see counsel.

Who was Zaidenberg? He was a watcher for the contestee, and I repeat what he said:

Let me state you are under no obligation to answer questions of any kind. If you feel you do not want to testify and want to see counsel, I will ask an opportunity for you to see counsel.

That witness retired upon the assurance of John William Granata that he would get him an attorney. After another witness had been examined, and after consulting counsel, furnished by John William Granata, the brother of the contestee, the witness came back into the room professing deafness, that he could not hear the testimony, that he could not hear the questions propounded to him.

Now turn to page 544 of the record. I just want to show you something there.

Mr. GRANATA. You can not ask him anything, because I have to have a qualified ruling on my objections, and I won't take yours. The time has come where this thing——

Commissioner HOFFMAN. Who replaced the ballots into the box?

Mr. GRANATA (shouting). He can't hear. How is he going to answer?

Mr. ZAIDENBERG (whispering in the ear of this deaf witness, who had suddenly gone deaf after talking to counsel for Granata—whispering into his ear). You don't know.

Yes, I don't know! That old answer, "I don't know," is a very safe answer when the witness is crowded. And so it goes on down the record.

Commissioner HOFFMAN. Are you through?

Mr. GRANATA. I am not through.

Mr. ZAIDENBERG. Just started.

Mr. GRANATA. You are excused, Mr. Witness; you may go.

Commissioner HOFFMAN. Mr. Solominski, I have not excused you.

Mr. GRANATA. Why don't you hit him with a sledge hammer?

Who said that? Granata. John Williams, I believe, is his name; yes. "Why don't you hit him?"

That is not all that happened there.

Mr. GIFFORD. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. GIFFORD. That was an orderly recount you spoke about, was it not?

Mr. MILLER. Yes; it would have been an orderly recount if there had not been fraud in the matter and if these witnesses had not been told by Granata's counters or by Granata's representative that they did not have to answer, and they had not suddenly gone deaf.

In the meantime a lady who was a judge was called to the witness stand. This same proceeding was had, the same occurrence had, as shown from page 539 of the record down to page 550 of the record. I want to say this in all fairness that until the gentleman will point out wherein the vote in this case is wrong——

Mr. HARE. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. HARE. Something has been said with reference to the integrity of the ballot. Would the gentleman mind if I reread the question that was propounded the attorney for the contestee during the hearing?

Mr. MILLER. I would be glad if the gentleman did so.

Mr. HARE. This question was asked:

Suppose the committee did not see fit to adopt the recount; what would be your suggestion as to the propriety of the committee ordering a recount of the ballots?

Mr. Sanders, the attorney for the contestee, said:

I think the committee would have one question to determine before having a recount made under its direction, and that question is the integrity of the ballot.

I propounded this inquiry:

Do you think that the integrity of the ballot is the only question?

Mr. SANDERS. Yes; I do. It is set out in our brief, but that would be a question for the committee to determine.

I made the further inquiry—and I might say that I was anxious to know about the integrity of these ballots:

Mr. Sanders, do you think the integrity of the ballots was in question before the recount?

Mr. SANDERS. Yes; I believe that the integrity of the ballots was in question before the recount; and it is still in question.

Mr. MILLER. Mr. Speaker, this question, reduced to its last analysis, is this: When the judges and clerks admit that changes have been made in the returns, and when upon a recount being had upon that testimony, reflecting the fact that a man was elected by 1,288 votes, exactly 3 more than the straight Democratic vote——

[Here the gavel fell.]

The SPEAKER. All time has expired.

Mr. CAMPBELL of Iowa. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Iowa offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Resolved, That the contested-election case of Stanley H. Kunz *v.* Peter C. Granata be recommitted to the Committee on Elections No. 3, with instructions either to recount such part of the vote for Representative in the Seventy-second Congress from the eighth congressional district of Illinois as they shall deem fairly in dispute, or to permit the parties to this contest, under such rules as the committee may prescribe, to recount such vote, and to take any action in the premises, by way of resolution or resolutions, to be reported to the House or otherwise, as they may deem necessary and proper.

The SPEAKER. The question is on the motion to recommit.

Mr. CAMPBELL of Iowa. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays, 186, answered "present 4, not voting 64, as follows:

[Roll No. 45]

YEAS—178

Adkins	Dallinger	Hope	Parker, N. Y.
Allen	Davenport	Hopkins	Partridge
Amlie	De Priest	Horr	Peavey
Andresen	Doutrich	Houston, Del.	Person
Arentz	Dowell	Howard	Pittenger
Bachmann	Dyer	Hull, Morton D.	Pratt, Harcourt J.
Baldridge	Eaton, Colo.	James	Pratt, Ruth
Barbour	Eaton, N. J.	Jenkins	Ramseyer
Beck	Englebright	Johnson, S. Dak.	Ransley
Beedy	Erk	Johnson, Wash.	Reed, N. Y.
Bohn	Estep	Kading	Rich
Boileau	Evans, Calif.	Kahn	Robinson
Bolton	Finley	Kelly, Pa.	Rogers, Mass.
Bowman	Fish	Kendall	Schafer
Britten	Frear	Ketcham	Seger
Brumm	Free	Kinzer	Seiberling
Buckbee	Fuller	Knutson	Selvig
Burtness	Garber	Kopp	Shott
Butler	Gibson	Kvale	Simmons
Cable	Gifford	LaGuardia	Sinclair
Campbell, Iowa	Gilbert	Lambertson	Smith, Idaho
Carter, Calif.	Gilchrist	Langford, Va.	Snow
Carter, Wyo.	Golder	Leavitt	Sparks
Cavicchia	Goodwin	Lehlbach	Stafford
Chase	Goss	Loofbourow	Stalker
Chavez	Guyer	Lovette	Strong, Kans.
Chindblom	Hadley	Luce	Summers, Wash.
Chiperfield	Hall, N. Dak.	McClintock, Ohio	Swanson
Christgau	Hancock, N. Y.	McGugin	Swick
Christopherson	Hardy	McLaughlin	Swing
Clague	Hartley	McLeod	Taber
Clancy	Haugen	Maas	Tarver
Clarke, N. Y.	Hawley	Manlove	Temple
Cole, Iowa	Hess	Mapes	Thatcher
Colton	Hoch	Michener	Thurston
Connolly	Hogg, Ind.	Millard	Tilson
Cooke	Hogg, W. Va.	Mouser	Timberlake
Cooper, Ohio	Holaday	Nelson, Me.	Tinkham
Crail	Hollister	Nelson, Wis.	Treadway
Crowther	Holmes	Niedringhaus	Underhill
Culkin	Hooper	Nolan	Wason
Watson	Whitley	Wolcott	Wyant
Weeks	Wigglesworth	Wolfenden	Yates
Welch, Calif.	Williamson	Wolverton	
White	Withrow	Woodruff	

NAYS—186

Allgood	Dickstein	Kemp	Pettengill
Almon	Dies	Kennedy	Polk
Arnold	Disney	Kerr	Prall
Auf der Heide	Dominick	Kleberg	Ragon
Bankhead	Doxey	Kniffin	Rainey
Barton	Drewry	Lambeth	Ramspeck
Beam	Driver	Lanham	Rankin
Black	Ellzey	Lankford, Ga.	Rayburn
Bland	Eslick	Lea	Reilly
Blanton	Evans, Mont.	Lewis	Rogers, N. H.
Bloom	Fernandez	Lichtenwalner	Romjue
Boehne	Fiesinger	Linthicum	Rudd
Boland	Fishburne	Lonergan	Sabath
Boylan	Fitzpatrick	Lozier	Sanders, Tex.
Brand, Ga.	Flannagan	Ludlow	Sandlin
Briggs	Fulbright	McClintic, Okla.	Schuetz
Browning	Fulmer	McCormack	Shallenberger
Brunner	Gambrill	McDuffie	Shannon
Buchanan	Garrett	McKeown	Sirovich
Bulwinkle	Gasque	McMillan	Smith, Va.
Burch	Gavagan	McReynolds	Smith, W. Va.
Busby	Glover	Major	Somers, N. Y.
Byrns	Goldsborough	Maloney	Spence
Canfield	Granfield	Mansfield	Steagall
Cannon	Green	May	Stevenson
Carden	Greenwood	Mead	Stewart
Carley	Gregory	Miller	Sullivan, N. Y.
Cartwright	Griffin	Milligan	Sumners, Tex.
Cary	Griswold	Mitchell	Sutphin
Celler	Hall, Miss.	Mobley	Swank
Clark, N. C.	Hancock, N. C.	Montague	Sweeney
Cochran, Mo.	Hare	Montet	Taylor, Colo.
Cole, Md.	Hart	Moore, Ky.	Thomason
Condon	Hastings	Morehead	Tierney
Connery	Hill, Ala.	Nelson, Mo.	Vinson, Ky.
Cooper, Tenn.	Hill, Wash.	Norton, Nebr.	Warren
Corning	Hornor	Norton, N. J.	Weaver
Cox	Huddleston	O'Connor	West
Cross	Jacobsen	Oliver, Ala.	Whittington
Crosser	Jeffers	Oliver, N. Y.	Williams, Mo.
Crowe	Johnson, Mo.	Overton	Williams, Tex.
Crump	Johnson, Okla.	Palmisano	Wilson
Cullen	Johnson, Tex.	Parker, Ga.	Wingo
Davis	Jones	Parks	Wright
Delaney	Karch	Parsons	Yon
DeRouen	Keller	Patman	
Dickinson	Kelly, Ill.	Patterson	

ANSWERED "PRESENT"—4

Coyle	French	Granata	Woodrum

NOT VOTING—64

Abernethy	Curry	Kurtz	Reid, Ill.
Aldrich	Darrow	Lamneck	Sanders, N. Y.
Andrew, Mass.	Dieterich	Larrabee	Schneider
Andrews, N. Y.	Doughton	Larsen	Shreve
Ayres	Douglas, Ariz.	Lindsay	Snell
Bacharach	Douglass, Mass.	McFadden	Stokes
Bacon	Drane	McSwain	Strong, Pa.
Beers	Foss	Magrady	Sullivan, Pa.
Brand, Ohio	Freeman	Martin, Mass.	Taylor, Tenn.
Burdick	Gillen	Martin, Oreg.	Tucker
Campbell, Pa.	Haines	Moore, Ohio	Turpin
Chapman	Hall, Ill.	Murphy	Underwood
Cochran, Pa.	Harlan	Owen	Vinson, Ga.
Collier	Hull, William E.	Perkins	Welsh, Pa.
Collins	Igoe	Pou	Wood, Ga.
Crisp	Johnson, Ill.	Purnell	Wood, Ind.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Darrow (for) with Mr. Wood of Georgia (against).
Mr. Aldrich (for) with Mr. Dougton (against).
Mr. Cochran of Pennsylvania (for) with Mr. McSwain (against).
Mr. Campbell of Pennsylvania (for) with Mr. Drane (against).
Mr. French (for) with Mr. Ayre (against).
Mr. Bacharach (for) with Mr. Crisp (against).
Mr. Purnell (for) with Mr. Gillen (against).
Mr. Andrews of Massachusetts (for) with Mr. Lindsay (against).
Mr. Martin of Massachusetts (for) with Mr. Douglass of Massachusetts (against).
Mr. Shreve (for) with Mr. Collier (against).
Mr. Johnson of Illinois (for) with Mr. Igoe (against).
Mr. Taylor of Tennessee (for) with Mr. Chapman (against).
Mr. Reid of Illinois (for) with Mr. Abernethy (against).
Mr. Hall of Illinois (for) with Mr. Tucker (against).
Mr. McFadden (for) with Mrs. Owen (against).
Mr. Coyle (for) with Mr. Vinson of Georgia (against).
Mr. William E. Hull (for) with Mr. Larrabee (against).
Mr. Andrews of New York (for) with Mr. Lamneck (against).
Mr. Stokes (for) with Mr. Haines (against).
Mr. Murphy (for) with Mr. Dieterich (against).
Mr. Magrady (for) with Mr. Harlan (against).
Mr. Snell (for) with Mr. Pou (against).
Mr. Foss (for) with Mr. Larsen (against).
Mr. Moore of Ohio (for) with Mr. Underwood (against).
Mr. Wood of Indiana (for) with Mr. Woodrum (against)
Mr. Curry (for) with Mr. Martin of Oregon (against).
Mr. Bacon (for) with Mr. Douglas of Arizona (against).

Mr. WOODRUM. Mr. Speaker, I have a general pair with the gentleman from Indiana [Mr. Wood]. He was ill this afternoon and desired to leave the Chamber. I desire to withdraw my vote of "nay" and answer "present." If the gentleman from Indiana were present, he would vote "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

Mr. GIFFORD. Mr. Speaker, I offer the following substitute for the resolution.

The SPEAKER. The gentleman from Massachusetts offers a substitute for the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Peter C. Granata was elected a Representative to the Seventy-second Congress of the eighth congressional district of the State of Illinois.

The SPEAKER. The question is on agreeing to the substitute.

Mr. GIFFORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nays 189, answered "present" 5, not voting 68, as follows:

[Roll No. 46]

YEAS—170

Adkins	Dowell	Kading	Schafer
Allen	Dyer	Kahn	Seger
Amlie	Eaton, Colo.	Kelly, Pa.	Seiberling
Andresen	Eaton, N. J.	Kendall	Selvig
Arentz	Englebright	Ketcham	Shott
Bachmann	Erk	Kinzer	Simmons
Baldrige	Estep	Knutson	Sinclair
Barbour	Evans, Calif.	Kopp	Smith, Idaho
Beck	Finley	Kvale	Snow
Beedy	Fish	LaGuardia	Sparks
Bohn	Frear	Lambertson	Stafford
Boileau	Free	Lankford, Va.	Stalker
Bolton	Garber	Leavitt	Strong, Kans.
Bowman	Gibson	Lehlbach	Summers, Wash.
Britten	Gifford	Loofbourow	Swanson
Brumm	Gilchrist	Lovette	Swick
Buckbee	Golder	Luce	Swing
Burtness	Goodwin	McClintock, Ohio	Taber
Butler	Goss	McGugin	Temple
Cable	Guyer	McLaughlin	Thatcher
Carter, Calif.	Hadley	McLeod	Thurston
Carter, Wyo.	Hall, N. Dak.	Maas	Tilson
Cavicchia	Hancock, N. Y.	Manlove	Timberlake
Chase	Hardy	Mapes	Tinkham
Chindblom	Hartley	Michener	Treadway
Chiperfield	Haugen	Millard	Underhill
Christgau	Hawley	Mouser	Wason
Christopherson	Hess	Nelson, Me.	Watson
Clague	Hoch	Nelson, Wis.	Weeks
Clancy	Hogg, W. Va.	Niedringhaus	Welch, Calif.
Clarke, N. Y.	Holaday	Nolan	White
Cole, Iowa	Hollister	Parker, N. Y.	Whitley
Colton	Holmes	Partridge	Wigglesworth
Connolly	Hooper	Person	Williamson
Cooke	Hope	Pittenger	Withrow
Cooper, Ohio	Hopkins	Pratt, Harcourt J.	Wolcott
Crail	Horr	Pratt, Ruth	Wolfenden
Crowther	Houston, Del.	Ramseyer	Wolverton
Culkin	Hull, Morton D.	Ransley	Woodruff
Dallinger	James	Reed, N. Y.	Wyant
Davenport	Jenkins	Rich	Yates
De Priest	Johnson, S. Dak.	Robinson	
Doutrich	Johnson, Wash.	Rogers, Mass.	

NAYS—189

Allgood	Cartwright	Elzey	Hart
Almon	Cary	Eslick	Hastings
Arnold	Celler	Evans, Mont.	Hill, Ala.
Auf der Heide	Chavez	Fernandez	Hill, Wash.
Bankhead	Clark, N. C.	Fiesinger	Hornor
Barton	Cochran, Mo.	Fishburne	Howard
Beam	Condon	Fitzpatrick	Huddleston
Black	Connery	Flannagan	Jacobsen
Bland	Cooper, Tenn.	Fulbright	Jeffers
Blanton	Corning	Fuller	Johnson, Mo.
Bloom	Cox	Fulmer	Johnson, Okla.
Boehne	Cross	Gambrill	Johnson, Tex.
Boland	Crosser	Garrett	Jones
Boylan	Crowe	Gasque	Karch
Brand, Ga.	Crump	Gavagan	Keller
Briggs	Cullen	Gilbert	Kelly, Ill.
Browning	Davis	Glover	Kemp
Brunner	Delaney	Goldsborough	Kennedy
Buchanan	DeRouen	Granfield	Kerr
Bulwinkle	Dickinson	Green	Kleberg
Burch	Dickstein	Greenwood	Kniffin
Busby	Dies	Gregory	Lambeth
Byrns	Disney	Griffin	Lanham
Canfield	Dominick	Griswold	Lankford, Ga.
Cannon	Doxey	Hall, Miss.	Lea
Carden	Drewry	Hancock, N. C.	Lewis
Carley	Driver	Hare	Lichtenwalner
Linthicum	Moore, Ky.	Rayburn	Sutphin
Lonergan	Morehead	Reilly	Swank
Lozier	Nelson, Mo.	Rogers, N. H.	Sweeney
Ludlow	Norton, Nebr.	Romjue	Tarver
McClintic, Okla.	Norton, N. J.	Rudd	Taylor, Colo.
McCormack	O'Connor	Sabath	Thomason
McDuffie	Oliver, Ala.	Sanders, Tex.	Tierney
McKeown	Oliver, N. Y.	Sandlin	Vinson, Ky.
McMillan	Overton	Schuetz	Warren
McReynolds	Parker, Ga.	Shallenberger	Weaver
Major	Parks	Shannon	West
Maloney	Parsons	Sirovich	Whittington
Mansfield	Patman	Smith, Va.	Williams, Mo.
May	Patterson	Smith, W. Va.	Williams, Tex.
Mead	Pettengill	Somers, N. Y.	Wilson
Miller	Polk	Spence	Wingo
Milligan	Prall	Steagall	Wright
Mitchell	Ragon	Stevenson	Yon
Mobley	Rainey	Stewart	
Montague	Ramspeck	Sullivan, N. Y.	
Montet	Rankin	Sumners, Tex.	

ANSWERED "PRESENT"—5

Campbell, Iowa	French	Granata	Woodrum
Coyle			

NOT VOTING—68

Abernethy	Curry	Kurtz	Purnell
Aldrich	Darrow	Lamneck	Reid, Ill.
Andrew, Mass.	Dieterich	Larrabee	Sanders, N. Y.
Andrews, N. Y.	Doughton	Larsen	Schneider
Ayres	Douglas, Ariz.	Lindsay	Shreve
Bacharach	Douglass, Mass.	McFadden	Snell
Bacon	Drane	McSwain	Stokes
Beers	Foss	Magrady	Strong, Pa.
Brand, Ohio	Freeman	Martin, Mass.	Sullivan, Pa.
Burdick	Gillen	Martin, Oreg.	Taylor, Tenn.
Campbell, Pa.	Haines	Moore, Ohio	Tucker
Chapman	Hall, Ill.	Murphy	Turpin
Cochran, Pa.	Harlan	Owen	Underwood
Cole, Md.	Hogg, Ind.	Palmisano	Vinson, Ga.
Collier	Hull, William E.	Peavey	Welsh, Pa.
Collins	Igoe	Perkins	Wood, Ga.
Crisp	Johnson, Ill.	Pou	Wood, Ind.

So the substitute was rejected.

The Clerk announced the following additional pairs:

Mr. Darrow (for) with Mr. Wood of Georgia (against).
Mr. Aldrich (for) with Mr. Doughton (against).
Mr. Cochran of Pennsylvania (for) with Mr. McSwain (against).
Mr. Campbell of Pennsylvania (for) with Mr. Drane (against).
Mr. French (for) with Mr. Ayres (against).
Mr. Bacharach (for) with Mr. Crisp (against).
Mr. Purnell (for) with Mr. Gillen (against).
Mr. Andrew of Massachusetts (for) with Mr. Lindsay (against).
Mr. Martin of Masschusetts (for) with Mr. Douglass of Massachusetts (against).
Mr. Shreve (for) with Mr. Collier (against).
Mr. Johnson of Illinois (for) with Mr. Igoe (against).
Mr. Taylor of Tennessee (for) with Mr. Chapman (against).
Mr. Reid of Illinois (for) with Mr. Abernethy (against).
Mr. Hall of Illinois (for) with Mr. Tucker (against).
Mr. McFadden (for) with Mrs. Owen (against).
Mr. Coyle (for) with Mr. Vinson of Georgia (against).
Mr. William E. Hull (for) with Mr. Larabee (against).
Mr. Andrews of New York (for) with Mr. Lamneck (against).
Mr. Stokes (for) with Mr. Haines (against).
Mr. Murphy (for) with Mr. Dieterich (against).
Mr. Magrady (for) with Mr. Harlan (against).
Mr. Snell (for) with Mr. Pou (against).
Mr. Foss (for) with Mr. Larsen (against).
Mr. Moore of Ohio (for) with Mr. Underwood (against).
Mr. Wood of Indiana (for) with Mr. Woodrum (against).
Mr. Curry (for) with Mr. Martin of Oregon (against).
Mr. Bacon (for) with Mr. Douglas of Arizona (against).
Mr. Welsh of Pennsylvania (for) with Mr. Cole of Maryland (against).

Mr. WOODRUM. Mr. Speaker, I have a pair with the gentleman from Indiana, Mr. Wood. I desire to withdraw my vote of "no" and answer "present." The gentleman from Indiana, Mr. Wood, would have voted "aye" if present.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

Mr. ESTEP. Mr. Speaker, this resolution has two parts, and I would like to ask the Chair whether the resolution is to be voted on as a whole or whether it is to be divided.

The SPEAKER. Unless a demand is made for a division, the resolution will be voted on as a whole.

Mr. ESTEP. Mr. Speaker, I ask that the resolution be divided and that each part be voted on separately.

The SPEAKER. The Clerk will report the first part of the resolution.

The Clerk read as follows:

Resolved, That Peter C. Granata was not elected as Representative in the Seventy-second Congress from the eighth congressional district in the State of Illinois and is not entitled to the seat as such Representative; and—

Mr. BLANTON. Mr. Speaker, I make a point of order against the request that the reverse of this proposition has just been voted upon by a roll call of the House and the House determined that Mr. Granata was not elected and should not be seated.

The SPEAKER. Under the precedents of the House, a resolution of this kind can be divided, and the gentleman from Pennsylvania has asked for a division.

The question was taken; and on a division (demanded by Mr. ESTEP) there were—ayes 190, noes 163.

So, the resolution was agreed to.

The SPEAKER. The question is on the second part of the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Stanley H. Kunz was elected a Representative in the Seventy-second Congress from the eighth congressional district in the State of Illinois and is entitled to his seat as such Representative.

The question was taken, and the resolution was agreed to.

On motion of Mr. KERR, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

SWEARING IN OF MEMBER

Mr. STANLEY H. KUNZ appeared in the well of the House and took the oath of office as prescribed by law.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BURDICK, for the balance of the week, on account of death in the family.

PHILIPPINE INDEPENDENCE

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks on the Philippine question.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LOZIER. Mr. Speaker, yesterday the House, by a vote to 306 to 47, passed H. R. 7233, granting independence to the inhabitants of the Philippine Islands. I am proud of my vote in favor of this measure, though I am sorry those opposed to the bill prevented its being considered under the regular rules of the House, with full and free debate, and opportunity for any Member to offer amendments, if he so desired. But the temper of the House was so pronounced, and the sentiment in favor of the bill so overwhelming, that it was quite evident it would pass under suspension of rules by a very decisive vote. While but little time was consumed in debate when the bill was put on its passage, the question has been thoroughly discussed both in and out of Congress for 30 years, and the action of the House was in harmony with the well-considered judgment of the American people, and was a fulfillment of our national covenants.

The claim that the Filipinos are not capable of self-government is an ancient sophistry, as old as the struggle of men for personal and political freedom. It has been invoked and worked overtime by the governing classes since the beginning of time in order to withhold from citizens and subjects a participation in the affairs of their own Government. No republic has ever been established that did not have to combat this fallacy.

For more than three centuries the Filipino has lived in the shadow of the sword and under the monstrous nightmare of unremitting oppression. Subjected to exploitation and maladministration which were less sympathetic than the fangs of a famished timber wolf, the Filipino, with our help, has lifted his feet from the miry clay and is ready to come into his own. What red-blooded, liberty-loving, self-respecting American will strangle his ambitions or stand between him and independence?

With seeming candor we repeatedly assured the world that we were actuated by no selfish motives or imperialistic designs in taking over the Philippines; that our stay there would be short; that we would generously grant complete independence to our Filipino wards and the opportunity of working out their own destiny and developing a civilization and culture suitable to their needs and in harmony with their environment. If we continue to ignore this solemn covenant, if we equivocate longer, if we hide our intentions to retain sovereignty over the Philippines under the specious plea that they are not yet capable of self-government, if we hypocritically assert that in denying them early independence we are protecting and promoting their own economic interests, we will thereby confess our insincerity, sacrifice duty on the sharp edge of expediency, and earn the condemnation not only of our own people but of all other nations. We must not stultify ourselves by failing to keep faith with this deserving, confiding, and generous people who, by the fortunes of war, were thrown into the lap of our Republic.

The longer we postpone the fulfillment of our pledge to grant independence to the Filipinos the more difficult it will be to keep that promise. The longer we procrastinate the more powerfull will be the influence in favor of never relinquishing our sovereignty over them. Delay stimulates opposition and lends encouragement to those who favor retaining the islands for all time. Every year dulls our appreciation of our obligation to grant independence, adds to American investments in the Philippines, and the propaganda becomes more widespread in favor of delaying and ultimately denying self-government to these 13,000,000 brown-skinned men and women.

Despots and those who believe in the divine right of a favored few to govern the many have ever boldly proclaimed the incapacity of the so-called common people for self-government. If royalty and the nobility could have enforced their will, there would not be at this time a single republic in the world or one nation in which the masses have a worth-while part in the enactment and administration of the laws under which they live. Free governments exist not by the will or tolerance of kings and princes but over their protest, and because thoughtful men in all civilized nations have long since discovered the fallacy of the claim that the masses are not capable of self-government.

Every departure from autocracy and every extension of popular government have been accomplished in spite of the opposition and over the vehement protest of royalty and nobility. When movements for the more general participation of the people in affairs of state became formidable, and when kings and princes realized that active resistance might jeopardize their thrones, they adopted a policy of delay and procrastination, and that is the policy of those who would have us retain sovereignty over the Philippines. They urge delay. They say we should wait 10, 20, or 50 years, but if we should take them at their word, at the end of any of these periods they would want a similar extension of time for the fulfillment of our pledge to grant independence to the Filipinos. For 30 years this school of political thought has preached the cynical doctrine of procrastination, postponement, and indefinite delay.

Our English ancestors, in their struggle for political rights, encountered this same age-old argument, that they were not sufficiently advanced to help, make, and administer their own laws. From the Norman conquest to this good day, practically every English king, whether Norman, Plantagenet, Lancastrian, Yorkist, Tudor, Stuart, Orange, or Hanoverian, has viewed with alarm and looked with disfavor on the growth of democratic sentiment, and whenever possible has questioned the capacity of his subjects for self-government. Every student of history well knows that the freedom of the English-speaking race was won at the point of the sword on sanguinary battlefields, over the protests of the ruling classes who never ceased to contend that a monarchy was the best form of government, and that the masses, however enlightened, educated, and cultured, were incapable of making laws under which they live.

If we follow the advice of the intelligentsia that is so vigorously opposing our early withdrawal from the Philippines, I imagine many generations will wax and wane before that group or their successors would concede the qualifications of the Filipino for self-government. Under their plan, no matter what progress the Filipinos may make in mastering the science of self-government, this cluster of experts will always be able to find some pretext for denying or delaying the

establishment of a Filipino republic. Their proposition means nothing but delay and, if possible, ultimate denial of independence. It would be about as definite and satisfactory as a turtle race from Cape Prince of Wales to Patagonia, via Hollywood, Tishomingo, Panama, Lake Titacaca, and Buenos Aires.

As a self-respecting nation, our dealings with other nations, and especially with a subject race, should always be gilded by the alchemy of sincerity and consistency. The character and reputation of a nation, like the character and reputation of an individual, depend on what is done rather than on what is intended. Good intentions count for but little unless and until they are translated into good deeds. A lofty purpose is fruitless when it finds no expression in action and accomplishment.

After an age-long carnival of Spanish usurpation and unabating oppression, the United States snatched the Philippines from the savage lordship of Spain. In paying Spain $20,000,000 for the relinquishment of her sovereignty we did not buy the souls, or even the bodies, of the native inhabitants. Before the treaty of Paris the Filipinos had the God-given right to oppose Spanish sovereignty and to seek absolute independence. This inherent right was not lost by the transfer of sovereignty from Spain to the United States. When we jockeyed and bargained with Spain over the spoils of war and the fruits of victory, we were not trying to extinguish the candle of liberty that the Filipinos had kept burning, though perhaps dimly, through centuries of oppression, and we acquired no right to suppress or limit their aspirations for independence. In view of our promises, the people of the Philippines have as strong a legal and moral right to claim independence now as when the Spanish flag floated over them. The fact that our rule has been more humane, benevolent, and helpful does not estop them from seeking to establish a Filipino republic or foreclose their rights to demand complete independence.

During the long, dreary ages of Spanish misgovernment the patient, plodding, and exploited Filipino, his neck bent low by the iron yoke of oppression, dreamed of a better day when out of the drab and gloomy skies of the Orient would break forth the sun of liberty with national life and racial inspiration in its beams.

An irrevocable decision by the American Government to permanently hold the Philippines will light a flash of frenzy in the Orient and transmute the affection of the Filipino for us into a hatred so intense that it will never be eradicated.

In attempting to hold the Philippines for all time or for an indefinite or long-extended period we are playing with fire and are in grave danger of being scarred by its fierce blaze.

Let us give the Filipino a chance to stand on his own feet, build his own republic, work out his own destiny, and rear a culture and civilization suitable to his needs and in harmony with his oriental environment, though, of course, it will be tremendously influenced by and follow along the lines of western civilization.

We can no more deprive the Filipino of God-given right of independence than we can escape the fury of a mountain lioness if we should attempt to carry off her cubs. To violate our promise to give the Philippines self-government will place a stain on our escutcheon that generations will not efface.

Who can fathom the subtle purposes of those who unremittingly oppose self-government for the Philippines? Why their passivity? Why do they not come out in the open and say frankly that they oppose the relinquishment of our sovereignty over the Philippines, now or at any time hereafter? Their policy of delay is inexplicable on any theory except that of permanent retention of the Philippines. Their failure to advance a specific and constructive Philippine policy, their unwillingness to "get down to brass tacks" and make a definite commitment, and their enigmatic attitude as to ultimate Filipino independence justify the conclusion that they are hostile to Philippine independence now or at any time in the future.

The twentieth century Filipinos have moved out of and away from the tracks in which their forefathers traveled for ages. They are forward-looking. They have imbibed the spirit and caught the vision of the Western world. Jason-like they have set out in quest of the golden fleece, with which to redeem their birthright of freedom, of which they have been despoiled for three centuries. They fain would drink the wine of liberty from the Holy Grail of self-government. Who will halt their steps, stay their hands, or silence their appeal?

In the heart of the Filipino there is a chamber and a shrine dedicated to the Goddess of Liberty. Shall our action render that chamber tenantless? By our edict shall no incense rise from that shrine? Shall we deliberately suppress the aspirations of 13,000,000 human beings for the same kind of liberty and self-government we enjoy? Shall the hunger of the Filipino for independence be left unsatisfied? Further delay in granting self-government to the Philippines is a denial of such self-government.

With a flawless faith in the American people, the Filipinos are standing on the mountain top of expectation, looking for the sun of freedom to rise on the horizon of their national life. God grant that their vision may not be obscured by low-hanging clouds of delay and disappointment, and that their inspiring anticipations may not sink in the somber shadows of a cheerless night!

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the Philippine question.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GIBSON. Mr. Speaker, our policy as to Philippine independence was settled several years ago. Every President since the islands came to us under the treaty of Paris has held out promises of ultimate independence to the Filipino people. President McKinley set forth our benevolent intentions and said:

> The Philippines are ours not to exploit but to develop, to civilize, to educate, to train in the science of self-government. This is the path of duty which we must follow or be recreant to a mighty trust committed to us.

In January, 1908, President Roosevelt said in his message to Congress:

> The Filipino people, through their officials, are therefore making real steps in the direction of self-government. I hope and believe that these steps mark the beginning of a course which will continue until the Filipinos become fit to decide for themselves whether they desire to be an independent nation.

President Taft, while Secretary of War, in 1908, set forth his views in the following language:

> If the American Government can only remain in the islands long enough to educate the entire people, to give them a language which enables them to come into contact with modern civilization, and to extend to them from time to time additional political rights so that by the exercise of them they shall learn the use and responsibilities necessary to their proper exercise, independence can be granted with entire safety to the people.

In 1913 President Wilson, in his message to the Filipino people said:

> We regard ourselves as trustees acting not for the advantage of the United States but for the benefit of the people of the Philippine Islands. Every step we take will be taken with a view to ultimate independence of the islands and as a preparation for that independence.

Later, President Coolidge, in a letter to the Speaker of the Philippine House of Representatives, said:

> It is not possible to believe that the American people would wish to continue their responsibility in regard to the sovereignty and administration of the islands. It is not conceivable that they would desire, merely because they possessed the power, to continue exercising any measure of authority over a people who could better govern themselves on a basis of complete independence.
>
> If the time comes when it is apparent that independence would be better for the people of the Philippines from the point of view of both their domestic concerns and their status in the world, and if when that time comes the Filipino people desire complete independence, it is not possible to doubt that the American Government and people will gladly accord it.

Sixteen years ago we enacted a law, approved July 29, 1916, which definitely established our policy in declaring it to be the purpose of the American people to withdraw sovereignty of the Philippine Islands and recognize their independence as soon as a stable government could be established. In 1920 President Wilson, in his message to Congress, certified that the condition precedent had been complied with in the following language:

Allow me to call your attention to the fact that the people of the Philippine Islands have succeeded in maintaining a stable government since the last action of the Congress in their behalf and have thus fulfilled the condition precedent set by the Congress as precedent to a consideration of granting independence to the islands. I respectfully submit that this condition precedent having been fulfilled, it is now our liberty and our duty to keep our promise to the people of those islands by granting them the independence they so honorably covet.

Having proceeded thus far our Government can not ignore the policy solemnly incorporated into law or violate its promises.

It is my personal belief that mistakes in policy were made when promises were held out and when Congress passed the act of July 29, 1916. But every Congress has recognized the force and effect of the law as it stands and no effort has been made to change it in any particular. However, I can not bring myself to the point where I can justify my country in failing to carry out a solemn pledge. Concerning this point former President Roosevelt stated in 1915:

Personally I think it is a fine, a high thing for a nation to have done such a deed (our work in the Philippines) with such a purpose. But we can not taint it with bad faith. If we act so that the natives understand us to have made a definite promise, then we should live up to that promise.

The only question open under our fixed policy is when and how independence will be made effective. The Senate bill giving independence in about 19 years is to be preferred to the House bill. I think a 30-year period for adjustment would be better.

Both the House and the Senate bills safeguard the immediate interests of this country. A constitution satisfactory to the President must be adopted. We retain control during the period of transition and economic adjustments; we retain naval, coal, and commercial bases, with rights to be fixed by treaty agreement. The debts of the Philippines, the Provinces, municipalities, and all instrumentalities must be taken care of and the United States released of any obligations whatsoever. The same rights and privileges must be granted to citizens of the United States as to the citizens of the Philippine Islands.

The Filipino people must vote as to acceptance of independence. It is my opinion that after due consideration of the economic benefits that accrue through connection with the United States and in view of the great danger of maintaining an independent existence in a section of the world surcharged with national ambitions, the Filipinos will decide not to sever their relations with this country.

At the time of the consideration of the Hare bill the temper of the House Members was such that a proposal to grant immediate independence would have passed by an overwhelming majority. Under these circumstances we did well to follow the course we did.

There is a question, however, in connection with this legislation that should not be overlooked, although its determination is for the judicial department rather than the legislative. We can not, however, refuse to pass legislation because of legal objections unless the justification is clear and unequivocal. The legal objection to this bill is not entirely clear or free from doubt. But let us look at the question and not leave the Congress in the position of having failed to give it any consideration.

In no other instance than that of the Philippines has Congress attempted to approve the alienation of territory to which our sovereignty has attached. There is a doubt if the Congress is empowered to alienate the sovereignty of the United States. That power in a republic is inherent in the people alone. Our Government, in form and substance, emanates from them. Its powers are granted by them. Unless the people have delegated the authority expressly or by implication, Congress has no power to do what is attempted by this measure.

Spain ceded the Philippines to the United States. The Supreme Court, speaking through Chief Justice Fuller, said:

The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. The result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic, and none securing to them the right to choose their nationality. Their allegiance became due to the United States, and they became entitled to its protection.

The Philippines, like Porto Rico, became by virtue of the treaty ceded conquered territory or territory ceded by way of indemnity. * * * The Philippines were not simply occupied, but acquired, and, having been granted and delivered to the United States by their former master, were no longer under the sovereignty of any foreign nation.

The sovereignty of Spain over the Philippines and possessions under claim of title had existed for a long series of years prior to the war with the United States. The fact that there were insurrections against her, or that uncivilized tribes may have defied her will, do not affect the validity of her title. She granted the islands to the United States, and the grantee in accepting them took nothing less than the whole grant.

The Philippines became United States territory and our sovereignty attached.

Our sovereignty is in the people. Concerning this Chief Justice Jay said in the case of Chisholm *v.* Georgia (2 U. S. 419, 471):

Sovereignty is the right to govern; a nation or state sovereign is the person or persons in whom that resides; in Europe the sovereignty is generally ascribed to the prince; here it rests with the people; there the sovereign actually administers the government; here, never in a single instance; our governors are the agents of the people and at most stand in the same relation to their sovereign in which regents in Europe stand to their sovereigns. Their princes have personal powers, dignities, and preeminences; our rulers have none but official; nor do they partake in the sovereignty otherwise or in any other capacity than as private citizens.

To the same effect was the holding of the court in Yick Wo *v.* Hopkins (118 U. S. 356, 369).

Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts.

If power to alienate territory of the United States exists in Congress, such authority must be found in the Constitution.

What is the rule in determining whether or not Congress is empowered under the Constitution to alienate any part of the United States where sovereignty is vested? Mr. Justice Story answers the question in his Commentaries on the Constitution.

Whenever, therefore, a question arises concerning the constitutionality of a particular power, the first question is whether the power be expressed in the Constitution; if it be, the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an express power and necessary to its execution; if it be, then it may be exercised by Congress. If not, Congress can not exercise it. (Quoted with approval in United States *v.* Harris, 106 U. S. 629, 641.)

Applying this test we find the power to alienate is not expressed in the Constitution. It is not an incident to any expressed grant; it can not be implied from any expressed power.

An attempt was made to incorporate such a power and this was rejected by the framers. Gov. Edmund Randolph, in discussing an amendment proposed to a Virginia convention, said:

There is no power in the Constitution to cede any part of the Territories of the United States.

This is the view taken by Thomas Jefferson when as Secretary of State he reported to President Washington on the subject of proposed negotiations between the United States and Spain as to the ascertainment of our right to navigate the lower part of the Mississippi as follows:

We have nothing else (than a relinquishment of certain claims on Spain) to give in exchange. For as to territory, we have neither the right nor the disposition to alienate an inch of what belongs to any member of our Union. Such a proposition, therefore, is totally inadmissible and not to be treated for a moment.

The only implication of power worthy of argument is found in paragraph 2, section 3, Article IV of the Constitution, which reads:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be construed as to prejudice any claims of the United States or any particular State.

It may be argued by some that by virtue of the word "dispose" in this section, Congress is authorized to alienate sovereignty, as well as ownership, over territory or other property belonging to the United States. Such view, however, is opposed to both the plain meaning of the section and to the interpretation given it by our Supreme Court.

Two seemingly plain interpretations have come from the court.

In United States *v.* Gratiot (14 Pet. (U. S.) 526, 537) Mr. Justice Thompson, after quoting from section 3, Article IV of the Constitution, said:

"The term 'territory,' as here used is merely descriptive of one kind of property, and is equivalent to the word 'lands.' And Congress has the same power over it as over any other property belonging to the United States; and this power is vested in Congress without limitation and has been considered the foundation upon which territorial governments rest."

Mr. Justice White in the case of Downes *v.* Bidwell (182 U. S. 244, 314), referring to the same subject, stated:

"I am not unmindful that there has been some contrariety of decision on the subject of the meaning of the clause empowering Congress to dispose of the Territories and other property of the United States, some adjudged cases treating that article as referring to property as such, and other deriving from it the general grant of power to govern Territories. In view, however, of the relations of the Territories to the Government of the United States at the time of the adoption of the Constitution, and the solemn pledge then existing that they should forever 'remain a part of the Confederacy of the United States of America,' I can not resist the belief that the theory that the disposing clause relates as well to a relinquishment or cession of sovereignty as to a mere transfer of rights of property is altogether erroneous."

It is, therefore, a fair question and worthy of serious consideration if Congress has any power to alienate our sovereignty over the Philippines. In the last analysis, it is a question for the courts and not for the Congress and no judicial interpretation can be forthcoming until after some measure granting independence is enacted.

FILING OF SUPPLEMENTARY REPORT

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to file a supplementary report on the bill H. R. 8765, which has been favorably reported.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. RAINEY. Mr. Speaker, it is very important to get the independent offices appropriation bill through this week, and I ask unanimous consent that Calendar Wednesday business may be dispensed with.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, and I do not object, is it the plan of the majority leader that in case we finish consideration of the bill by Friday we shall adjourn over?

Mr. RAINEY. We will, if we finish by Friday.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what committee has the call to-morrow?

Mr. RAINEY. Indian Affairs.

Mr. MICHENER. Is that agreeable to the chairman of the committee?

Mr. HOWARD. Mr. Speaker, the request is not altogether agreeable, but in view of the fact that the organization seems to have more emergent business for to-morrow, and because of the forgiving nature of the members of my committee, I offer no objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MEETING AT 11 O'CLOCK TO-MORROW

Mr. JOHNSON of Washington. Mr. Speaker, how far along is the consideration of the independent offices bill? Has general debate been closed?

Mr. WOODRUM. We have had one afternoon of general debate.

Mr. Speaker, in order to insure passage of the bill by Friday, I ask unanimous consent that on Wednesday, Thursday, and Friday the House meet at 11 o'clock.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have no objection to the House meeting at 11 o'clock when there is general debate, but I do not think the House should be called into session at 11 o'clock when we are under the 5-minute rule.

Mr. WOODRUM. Then I amend the request, Mr. Speaker, and ask it for to-morrow. I would like to finish general debate to-morrow, if possible.

The SPEAKER. Is there objection to the request of the gentleman from Virginia to meet at 11 o'clock to-morrow?

There was no objection.

Mr. HOWARD. Mr. Speaker, I would like to have the gentleman understand that in yielding to putting away Calendar Wednesday to-morrow, I must not be understood as yielding for the following week.

The SPEAKER. The gentleman has about six weeks within which to get in on Calendar Wednesday.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 3836. An act to authorize the construction of a temporary railroad bridge across Pearl Hiver at a point in or near the northeast quarter section 11, township 10 north, range 8 east, Leake County, Miss.; and

S. J. Res. 47. Joint resolution for the improvement of Chevy Chase Circle with a fountain and appropriate landscape treatment.

ADJOURNMENT

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p. m.), in accordance with its previous order, the House adjourned until to-morrow, Wednesday, April 6, 1932, at 11 o'clock a. m.

COMMITTEE HEARINGS

Tentative list of committee hearings scheduled for Wednesday, April 6, 1932, as reported to the floor leader by clerks of the several committees:

JUDICIARY—SUBCOMMITTEE NO. 2

(10 a. m.)

Relating to certain restrictions on the medical profession in prescribing medicinal liquor (H. R. 293; H. R. 5608; H. R. 5859; H. R. 8077; H. R. 10524; H. J. Res. 28; H. J. Res. 211).

INDIAN AFFAIRS

(10.30 a. m.)

H. R. 6684, known as "An act to determine heirs of deceased Indians, etc."

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SIROVICH: Committee on Patents. H. R. 10976. A bill to amend and consolidate the acts respecting copyright and to codify and amend common-law rights of authors in their writings; without amendment (Rept. No. 1008). Referred to the Committee of the Whole House on the state of the Union.

Mr. KERR: Committee on Elections No. 3. H. Res. 186. A resolution declaring Peter C. Granata not elected and Stanley H. Kunz elected as Representative from the eighth congressional district in the State of Illinois (Rept. No. 778). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WARREN: Committee on Accounts. H. Res. 180. A resolution authorizing the payment of funeral expenses and compensation to Henrietta M. Williamson, widow of Milton C. Williamson, late an employee of the House (Rept. No. 1006). Ordered to be printed.

Mr. WARREN: Committee on Accounts. H. Res. 178. A resolution to pay Jessie McKinley, daughter of Henry C. McKinley, six months' compensation and an additional amount, not exceeding $250, to defray funeral expenses of the said Henry C. McKinley (Rept. No. 1007). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Mississippi: A bill (H. R. 11113) to prohibit the importation of any article or merchandise from the Union of Soviet Socialist Republics; to the Committee on Ways and Means.

By Mr. CELLER (by request): A bill (H. R. 11114) to regulate interstate commerce by prohibiting the transportation therein of children of certain divorced persons; to the Committee on the Judiciary.

Also, a bill (H. R. 11115) to amend the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: A bill (H. R. 11116) relating to the making of loans to veterans upon their adjusted-service certificates; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COCHRAN of Missouri: A bill (H. R. 11117) to provide for the immediate payment of World War adjusted-service certificates, and for other purposes; to the Committee on Ways and Means.

By Mr. STEAGALL: A bill (H. R. 11118) to amend section 5219 of the Revised Statutes of the United States (U. S. C., 1925, title 12, ch. 4, sec. 546); to the Committee on Banking and Currency.

By Mr. KLEBERG: A bill (H. R. 11119) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Agriculture.

By Mr. HAWLEY: A bill (H. R. 11120) to amend an act (chap. 300) entitled "An act authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims," approved February 23, 1929 (45 Stat. p. 1256); to the Committee on Indian Affairs.

By Mr. LaGUARDIA: Resolution (H. Res. 182) providing that the Attorney General be directed to transmit forthwith to the Committee on the Judiciary of the House of Representatives how many district judges have been assigned to hold court in the southern district of New York in the calendar years 1929, 1930, and 1931, and for other purposes; to the Committee on the Judiciary.

By Mr. GOLDER: Resolution (H. Res. 183) directing the Interstate Commerce Commission to make an investigation and report to the President of the United States regarding the relationships between the various political contractors, political combinations, and railroad officials; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN of Missouri: Resolution (H. Res. 184) providing for the consideration of H. R. 10794, a bill to consolidate and coordinate certain governmental activities affecting the civil service of the United States; to the Committee on Rules.

Also, resolution (H. Res. 185) providing for the consideration of H. R. 11011, a bill to establish a public works commission; to the Committee on Rules.

By Mr. BRAND of Georgia: Joint resolution (H. J. Res. 353) to provide assistance in the rehabilitation of certain storm-stricken areas in the United States and in relieving unemployment in such areas; to the Committee on Agriculture.

By Mr. LEWIS: Joint resolution (H. J. Res. 354) requesting the President of the United States to request by proclamation the people of the United States to join in observance on August 26 in every year of the adoption of the nineteenth amendment to the Federal Constitution: to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 11121) granting an increase of pension to Clarence L. Wimer; to the Committee on Pensions.

Also, a bill (H. R. 11122) granting an increase of pension to Marian Beam; to the Committee on Invalid Pensions.

By Mr. BEAM: A bill (H. R. 11123) for the relief of Edmond F. Coyle; to the Committee on Naval Affairs.

By Mr. BOLAND: A bill (H. R. 11124) for the relief of James Gessler; to the Committee on Military Affairs.

By Mr. CARTWRIGHT: A bill (H. R. 11125) granting an increase of pension to Mary E. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11126) granting a pension to Neeley Keller; to the Committee on Invalid Pensions.

By Mr. DAVILA: A bill (H. R. 11127) granting an increase of pension to Ana Rita Rexach; to the Committee on Pensions.

By Mr. FITZPATRICK: A bill (H. R. 11128) for the relief of Fred Ernest Gross; to the Committee on Naval Affairs.

Also, a bill (H. R. 11129) for the relief of William C. Green; to the Committee on Naval Affairs.

By Mr. FULLER: A bill (H. R. 11130) granting a pension to Martha J. Hopper; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 11131) granting a pension to Conrad F. Korthanke; to the Committee on Pensions.

By Mr. GUYER: A bill (H. R. 11132) granting an increase of pension to Hannah Byers; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11133) granting a pension to Harold Bertrun Denison; to the Committee on Pensions.

Also, a bill (H. R. 11134) granting a pension to John R. Gamble; to the Committee on Pensions.

By Mr. HOGG of West Virginia: A bill (H. R. 11135) granting an increase of pension to Martha F. Robinson; to the Committee on Invalid Pensions.

By Mr. HOPE: A bill (H. R. 11136) granting an increase of pension to Mary T. Eagy; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Texas: A bill (H. R. 11137) for the relief of Willie A. Williams; to the Committee on Claims.

By Mr. KOPP: A bill (H. R. 11138) granting a pension to Lillie Watson; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 11139) authorizing Frederick W. VanDuyne, colonel in the United States Army, to accept the decoration of the Legion of Honor, tendered him by the Republic of France; to the Committee on Foreign Affairs.

By Mr. McKEOWN: A bill (H. R. 11140) granting an increase of pension to Sue Rains; to the Committee on Invalid Pensions.

By Mr. RAMSPECK: A bill (H. R. 11141) authorizing the President to order George H. McKee before a retiring board for a hearing of his case and upon the findings of such board to determine whether or not he be placed on the retired list with rank and pay held by him at the time of his discharge; to the Committee on Military Affairs.

By Mr. SCHNEIDER: A bill (H. R. 11142) granting a pension to Martha Wead; to the Committee on Invalid Pensions.

By Mr. SHANNON: A bill (H. R. 11143) for the relief of Clara Fitzgerald; to the Committee on Claims.

By Mr. SUMMERS of Washington: A bill (H. R. 11144) granting a pension to Jennie Ledford McNeill; to the Committee on Invalid Pensions.

By Mr. SWANSON: A bill (H. R. 11145) granting an increase of pension to Mary J. Strait; to the Committee on Invalid Pensions.

By Mr. THOMASON: A bill (H. R. 11146) for the relief of Douglas C. Pyle; to the Committee on Naval Affairs.

By Mr. UNDERWOOD: A bill (H. R. 11147 granting an increase of pension to Amelia Shultz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11148 granting an increase of pension to Delilah Coffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11149) granting a pension to William E. McCormick; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Missouri: A bill (H. R. 11150) for the relief of G. C. Vandover; to the Committee on Claims.

By Mr. WILSON: A bill (H. R. 11151) granting a pension to Mary Lou Wallace Paul; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5472. By Mr. ANDREWS of New York: Resolution adopted by 73 members of the William McKinley Council, No. 125, urging support of House Joint Resolutions 216 and 277 and House bill 9597; to the Committee on Immigration and Naturalization.

5473. By Mr. ARNOLD: Petition of citizens of Mount Vernon, Ill., favoring an old age pension law; to the Committee on Labor.

5474. Also, petition of Brotherhood of Railway Carmen, Mount Carmel, Ill., urging passage of legislation regulating trucks and busses engaged in interstate commerce in competition with railroads, and providing legislation for certain regulation of waterway carriers; to the Committee on Interstate and Foreign Commerce.

5475. By Mr. BLANTON: Petition of Vernon D. Hart Post, No. 100, the American Legion, at Stamford, Tex., presented by M. B. Harris, adjutant, urging Congress to pass legislation requiring the immediate payment of the adjusted-compensation certificates; to the Committee on Ways and Means.

5476. By Mr. CABLE: Petition of citizens of Lima, Ohio, regarding taxation and regulation of interstate bus and truck transportation; to the Committee on Interstate and Foreign Commerce.

5477. By Mr. CAMPBELL of Iowa: Petition of 76 citizens and voters of Woodbury and Ida County, Iowa, protesting against House bill 8092, which provides for the closing of barber shops on Sunday in the District of Columbia; to the Committee on the District of Columbia.

5478. By Mr. COCHRAN of Missouri: Memorial submitted by Vesta T. May, general secretary of the St. Louis School Patrons' Alliance, an association of the Fathers' Clubs and Mothers' Clubs and other associations of like character in 65 schools in St. Louis, Mo., praying for the enactment of the bill to give the Federal Government jurisdiction in kidnaping cases, introduced by Representative JOHN J. COCHRAN of Missouri; to the Committee on the Judiciary.

5479. By Mr. DICKINSON: Petition of 942 citizens of the State of Missouri, against the reduction of salaries of Government employees; to the Committee on Expenditures in the Executive Departments.

5480. By Mr. DRANE: Petition of citizens of Pinellas County, Fla., protesting against House bill 8092; to the Committee on the District of Columbia.

5481. Also, petition of citizens of Eustis, Fla., protesting against the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

5482. By Mr. FOSS: Petition of employees of Iver Johnson Arms & Cycle Works, of Fitchburg, Mass., opposing passage of House bill 10604, levying a tax of 1 cent per shell on all loaded shot shells; to the Committee on Ways and Means.

5483. By Mr. FULLER: Petition of Fulton Patterson and 129 ex-service and business men of Yellville, Ark., praying for the full payment of the veterans' adjusted-service certificates; to the Committee on Ways and Means.

5484. By Mr. GILCHRIST: Petition of 26 honorably discharged soldiers of Dow City, Iowa, urging the passage of the adjusted compensation bill, H. R. 1; to the Committee on Ways and Means.

5485. Also, petition of 78 citizens of the eighth congressional district of Iowa, urging the passage of House bill 1, being the adjusted compensation bill; to the Committee on Ways and Means.

5486. By Mr. GLOVER: Petition of the farmers of Jefferson County; to the Committee on Agriculture.

5487. Also, petition of the farmers of Arkansas County; to the Committee on Agriculture.

5488. Also, petition of the farmers of Lincoln County; to the Committee on Agriculture.

5489. Also, petition of farmers of Cleveland County; to the Committee on Agriculture.

5490. Also, petition of the farmers of Lonoke County; to the Committee on Agriculture.

5491. Also, petition of the farmers of Hot Spring County; to the Committee on Agriculture.

5492. Also, petition of the farmers of Drew County; to the Committee on Agriculture.

5493. Also, petition of the farmers of Dallas County; to the Committee on Agriculture.

5494. Also, petition of the farmers of Garland County; to the Committee on Agriculture.

5495. Also, petition of the farmers of Cleveland County; to the Committee on Agriculture.

5496. By Mr. HARLAN: Petition of J. Elmer Baird and 52 other citizens of Dayton, Ohio, protesting against further increase in taxation, and asking a reduction in Government expenses; to the Committee on Ways and Means.

5497. By Mr. HOGG of West Virginia: Petition of Logan County Unit of Railway Employees and Taxpayers Association, opposing the Davis-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5498. Also, petition of the Pocahontas Operators' Association, opposing the Davis-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5499. Also, petition of Kiwanis Club of Logan, opposing the Davis-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5500. By Mr. JAMES: Telegram from Norman D. Starrett, mayor of the city of Hancock, Mich., favoring a tariff on copper; to the Committee on Ways and Means.

5501. Also, telegram from Joe Dragman, president of the St. Joseph's Society, Calumet, Mich., favoring a tariff on copper; to the Committee on Ways and Means.

5502. By Mr. JOHNSON of Washington: Petition of Yakima (Wash. Fruit Growers' Association, advocating a moderation of the present high-tariff policy so that foreign markets be restored for Pacific Northwest fruit products; to the Committee on Ways and Means.

5503. By Mr. KOPP: Petition of S. Hamill and about 150 other citizens and sportsmen of Keokuk, Iowa, protesting against the cent-a-shell tax as proposed in House bill 10604; to the Committee on Ways and Means.

5504. Also, petition of Mrs. R. B. Willey and many other residents of Burlington, Iowa, urging the support and maintenance of the prohibition law; to the Committee on the Judiciary.

5505. By Mr. LEHLBACH: Petition of citizens of sportsmen of the State of New Jersey, protesting against the cent-a-shell tax as proposed in House bill 10604; to the Committee on Ways and Means.

5506. By Mr. LICHTENWALNER: Petition of 60 citizens and sportsmen of the State of Pennsylvania, protesting against the cent-a-shell tax as proposed in House bill 10604; to the Committee on Ways and Means.

5507. By Mr. LINDSAY: Petition of Chamber of Commerce of El Paso, Tex., favoring the passage of House Joint Resolution 319; to the Committee on Ways and Means.

5508. Also, petition of the Merchants' Association of New York, opposing House bill 10241; to the Committee on Banking and Currency.

5509. By Mr. LONERGAN: Petition of Connecticut sportsmen on the cent-a-shell tax bill; to the Committee on Ways and Means.

5510. By Mr. LINTHICUM: Petition of Harry C. Knight, of Leonardtown, Md., urging passage of bills for bear and wildlife sanctuaries in southeastern Baranof Islands and Everglades of Florida, respectively; to the Committee on the Public Lands.

5511. Also, petition of Kensington Board of Trade, Kensington, Md., urging passage of House bill 5659; to the Committee on the Judiciary.

5512. Also, petition of Waldo Newcomer, of Baltimore, Md., urging passage of House bills 1967 and 8549; to the Committee on Immigration and Naturalization.

5513. Also, petition of Consolidated Engineering Co. (Inc.), Baltimore, Md., urging passage of Senate bill 3847; to the Committee on Labor.

5514. Also, petition of Rev. Benjamin B. Lovett, of Baltimore, Md., urging Federal aid for the unemployed; to the Committee on Ways and Means.

5515. Also, petition of Baltimore Association of Commerce, Baltimore, Md., opposing Senate Joint Resolution 120; to the Committee on Interstate and Foreign Commerce.

5516. Also, petition of Lloyd H. Eney, of Baltimore, Md., Oriole Lodge, No. 486, International Association of Machinists, Baltimore, Md., Baltimore branch, Railway Mail Association, Baltimore Md., opposing reduction in Federal employees' salaries; to the Committee on Ways and Means.

5517. Also, petition of O. M. Gibson, of Baltimore, Md., opposing additional appropriation to Farm Board; to the Committee on Banking and Currency.

5518. Also, petition of Carolina Bagging Co., of Henderson, N. C., opposing House bill 8559; to the Committee on Agriculture.

5519. Also, petition of Izaak Walton League of America, Baltimore, Md., urging support of Senate bill 263; to the Committee on Agriculture.

5520. Also, petition of the Seaboard Brass & Copper Co., Baltimore, Md., opposing House bill 408; to the Committee on Merchant Marine, Radio, and Fisheries.

5521. Also, petition of United States Veterans' Association and Elmer Lloyd, of Baltimore, Md., favoring passage of House bill 1, soldiers' bonus bill; to the Committee on Ways and Means.

5522. Also, petition of Dr. Cecil W. West and Laura E. Campen, of Baltimore, Md., opposing passage of House bill 1, soldiers' bonus bill; to the Committee on Ways and Means.

5523. Also, petition of the American Legion, the Maryland Guard Memorial Post, No. 35, American Legion, and Mrs. Samuel Hillman, of Baltimore, Md., favoring passage of pension bill for widows and orphans of World War veterans; to the Committee on Pensions.

5524. By Mr. LUDLOW: Petition of 40 members of the Disabled American Veterans of the World War, the American Legion, and the Veterans of Foreign Wars of Indianapolis, Ind., favoring immediate payment of the balance upon the face value of all adjusted-service certificates; to the Committee on Ways and Means.

5525. By Mr. McDUFFIE: Petition of citizens of the State of Alabama, protesting against the passage of House bill 10604; to the Committee on Ways and Means.

5526. By Mr. MEAD: Petition of New York State League of Savings and Loan Associations, urging enactment of Senate bill 2959 and House bill 7620; to the Committee on Banking and Currency.

5527. By Mr. MILLARD: Resolution unanimously passed by the Fancher Nicholl Post, No. 77, of the American Legion, Pleasantville, N. Y., disapproving of any payment at this time of public moneys to veterans (not disabled) on account of adjusted-compensation certificates; to the Committee on Ways and Means.

5528. Also, resolution of the executive committee of the New York State League of Savings and Loan Associations, expressing the approval of that organization of House bill 7620; to the Committee on Banking and Currency.

5529. By Mr. MILLER: Petition of Batesville Post of the American Legion of Batesville, Ark., urging payment of the balance of the adjusted-service certificates; to the Committee on Ways and Means.

5530. By Mr. PEAVEY: Petition of numerous citizens of the city of Spooner, Wis., and surrounding vicinity, protesting against the passage of Senate bill 1202, providing for Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5531. By Mr. RUDD: Petition of the Merchants' Association of New York, opposing the passage of House bill 10241, to provide a guarantee fund for depositors in member banks of the Federal reserve system; to the Committee on Banking and Currency.

5532. Also, petition of Fred B. Peterson & Co., 99 Wall Street, New York City, favoring the passage of House bill 10604, providing for a tax of 1 cent per shell for shotgun shells; to the Committee on Ways and Means.

5533. Also, petition of Penn Brass & Bronze Works, Brooklyn, N. Y., favoring the passage of House bill 6187 and Senate bill 2956; to the Committee on Public Buildings and Grounds.

5534. Also, petition of John T. Harrison, 16 Liberty Street, New York City, opposing the passage of the cash payment of adjusted-service certificates; to the Committee on Ways and Means.

5535. Also, petition of New York Automobile Club, opposing any special motor excise tax or tax on gasoline unless they are a part of a general sales-tax program; to the Committee on Ways and Means.

5536. Also, petition of New York Typographical Union, No. 6, opposing any salary reduction of the Federal employees; to the Committee on Expenditures in the Executive Departments.

5537. By Mr. SELVIG: Petition of 18 members of Barnesville (Minn.) Legion, urging cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5538. Also, petition of 19 members of Legion at Barnesville, Minn., urging cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5539. Also, petition of 19 Legion members of Barnesville, Minn., urging cash payment of face value of bonus certificates; to the Committee on Ways and Means.

5540. Also, petition of numerous citizens of Fertile, Minn., urging immediate cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5541. Also, petition of 19 veterans of Fertile, Minn., urging cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5542. Also, petition of veterans of New York Mills, Minn., urging enactment of cash payment of bonus; to the Committee on Ways and Means.

5543. Also, petition of 19 members of Legion at Hallock, Minn., urging cash payment of face value of bonus certificates; to the Committee on Ways and Means.

5544. Also, petition of 19 members of Legion at Hallock, Minn., urging enactment of cash payment of face value of bonus certificates; to the Committee on Ways and Means.

5545. Also, petition of members of Legion at St. Vincent, Minn., urging enactment of cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5546. Also, petition of American Legion Post, No. 390, Stephen, Minn., urging cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5547. Also, petition of members of American Legion of Stephen, Minn., favoring cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5548. Also, petition of 20 citizens of Detroit Lakes, Minn., favoring cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5549. Also, petition of members of Legion at Stephen, Minn., favoring cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

5550. By Mr. SHOTT: Petition of citizens of Talcott, Summers County, W. Va., favoring support of the pension bill, H. R. 9891, known as the railroad employees' national pension bill; to the Committee on Interstate and Foreign Commerce.

5551. Also, petition of 20 citizens of McDowell County, W. Va., asking for the immediate payment at full face value of the adjusted-compensation certificates; to the Committee on Ways and Means.

5552. By Mr. SMITH of West Virginia: Resolutions of Logan Coal Operators' Association, of Logan; the New River Coal Operators' Association, of Mount Hope; the Pocahontas Operators' Association, of Bluefield; and the Kiwanis Club, of Logan, all of the State of West Virginia, protesting against the passage of the Davis-Kelly coal bill; to the Committee on Interstate and Foreign Commerce.

5553. By Mr. SHOTT: Petition of the directors of Logan County Chamber of Commerce, Logan, W. Va., opposing the passage of the Davis-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5554. Also, petition of George C. Donovan and other citizens of Princeton, Mercer County, W. Va., favoring the immediate cash payment of the adjusted-compensation certificates; to the Committee on Ways and Means.

5555. By Mr. SMITH of West Virginia: Petitions of the Logan County Chamber of Commerce, and other citizens, of Logan, W. Va., protesting against the passage of the Davis-Kelly coal bill; to the Committee on Interstate and Foreign Commerce.

5556. By Mr. SUMMERS of Washington: Resolution by the Talbot Improvement Club of Renton, Wash., R. W. Harris, president, and Ellen Jensen, secretary, indorsing the Summers farm to market post road bill, H. R. 137; to the Committee on Roads.

5557. By Mr. TARVER: Petition of a number of citizens of Atco, Ga., protesting against the cent-a-shell tax proposed in House bill 10604; to the Committee on Ways and Means.

5558. By Mr. THOMASON: Petition of residents of El Paso, Tex., urging favorable action by Congress on the proposal to pay in cash the balance due on adjusted-service certificates; to the Committee on Ways and Means.

5559. Also, petition of employees of the city water works of El Paso, Tex., urging cash payment of the balance due on adjusted-service certificates; to the Committee on Ways and Means.

5560. By Mr. WATSON: Petition of citizens and sportsmen of the State of Pennsylvania, opposing the cent-a-shell tax as proposed in House Resolution 10604; to the Committee on Ways and Means.

5561. By Mr. WELCH of California: Petition of citizens of California, protesting against the passage of House bill 10604; to the Committee on Ways and Means.

5562. By Mr. WEST: Petition signed by 131 residents of the State of Ohio, protesting against the cent-a-shell tax upon shotgun shells; to the Committee on Ways and Means.

5563. Also, petition of 24 letter carriers at Newark, Ohio, protesting against reduction in salaries of postal employees; to the Committee on Expenditures in the Executive Departments.

5564. By Mr. WHITTINGTON: Petition of the Rotary Club of Canton, Miss., asking for repeal of the recapture provisions of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

5565. Also, petition of Chamber of Commerce of Canton, Miss., favoring the repeal of the recapture provisions of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

SENATE

WEDNESDAY, APRIL 6, 1932

(Legislative day of Monday, April 4, 1932)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

S. 3836. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near the northeast quarter section 11, township 10 north, range 8 east, Leake County, Miss.; and

S. J. Res. 47. Joint resolution for the improvement of Chevy Chase Circle with a fountain and appropriate landscape treatment.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Cutting	Johnson	Robinson, Ark.
Austin	Dale	Jones	Schall
Bailey	Davis	Kean	Sheppard
Bankhead	Dickinson	Kendrick	Shipstead
Barbour	Dill	Keyes	Shortridge
Black	Fess	King	Smoot
Blaine	Fletcher	La Follette	Steiwer
Borah	Frazier	Lewis	Thomas, Idaho
Bratton	George	Logan	Thomas, Okla.
Brookhart	Glass	Long	Townsend
Broussard	Glenn	McGill	Trammell
Bulkley	Goldsborough	McKellar	Tydings
Bulow	Gore	McNary	Vandenberg
Byrnes	Hale	Morrison	Wagner
Capper	Harrison	Moses	Walcott
Caraway	Hastings	Neely	Walsh, Mass.
Carey	Hatfield	Norbeck	Walsh, Mont.
Connally	Hawes	Norris	Wheeler
Coolidge	Hayden	Nye	White
Copeland	Hebert	Oddie	
Costigan	Howell	Pittman	
Couzens	Hull	Reed	

Mr. FESS. The senior Senator from Indiana [Mr. WATSON] and the junior Senator from Indiana [Mr. ROBINSON] are absent attending the funeral of the late Representative Vestal. The announcement may stand for the day.

I also wish to announce that the Senator from Missouri [Mr. PATTERSON] is detained on account of illness. This announcement may stand for the day.

Mr. GEORGE. My colleague the senior Senator from Georgia [Mr. HARRIS] is still detained from the Senate because of illness. I will let this announcement stand for the day.

Mr. GLASS. I wish to announce that my colleague the senior Senator from Virginia [Mr. SWANSON] is absent in attendance upon the disarmament conference at Geneva.

Mr. BYRNES. I desire to announce that my colleague the senior Senator from South Carolina [Mr. SMITH] is necessarily detained by serious illness in his family.

Mr. LOGAN. I wish to announce that the senior Senator from Kentucky [Mr. BARKLEY] is necessarily detained from the Senate on official business.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

LANDS IN LOUISIANA AND MISSISSIPPI

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, which was referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows: